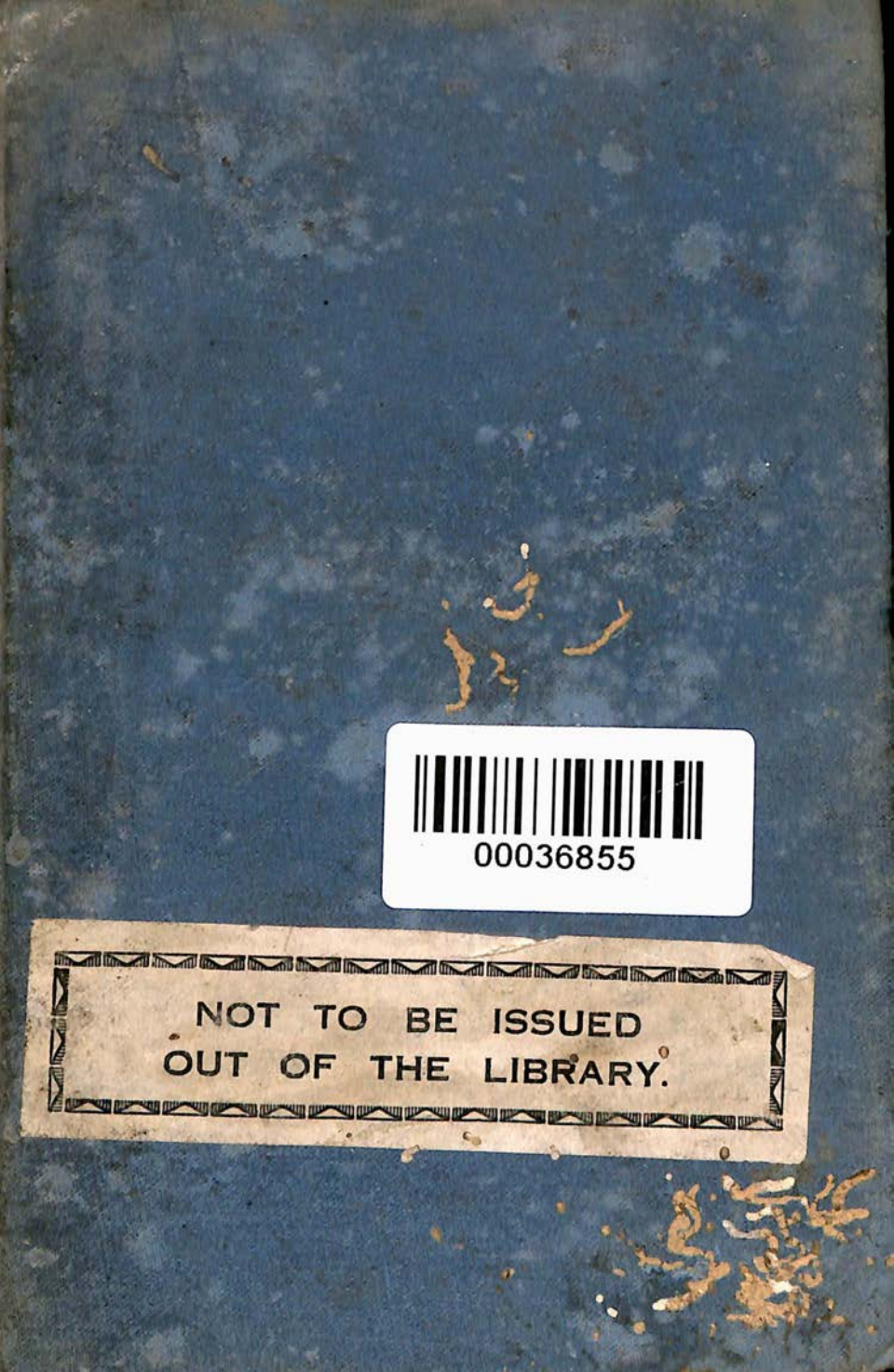
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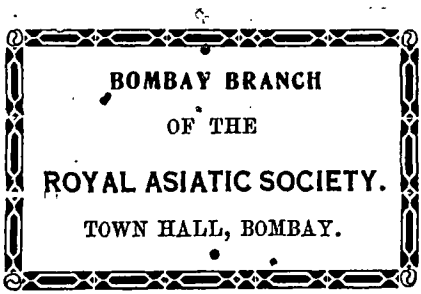

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THE

WAR IN AMERICA:

BEING AN

HISTORICAL AND POLITICAL ACCOUNT

OF THE

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SOUTHERN AND NORTHERN STATES:

SHOWING

THE ORIGIN AND CAUSE OF THE PRESENT SECESSION WAR.

WITH A LARGE MAP OF THE UNITED STATES, ENGRAVED ON STEEL.

BY

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LONDON:

HAMILTON, ADAMS, AND CO.,

33, PATERNOSTER ROW.

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PREFACE.

In the preparation of this volume, we have had in view the collection of facts bearing immediately or mediately upon the present civil war in America; and we confidently believe that the reader will find herein many most singular and interesting historical details.

We have not been very moderate in exposing the evil theories of American political abolitionism; nor have we failed to denounce the political integrity of those who have produced secession. The former is the *cause*, and the latter is the *effect*. We desire to warn the reader from supposing that abolitionism in America is the same as it is in England. There is a wide difference between the two. A high and commendable sense of honour is recognised in the English system. If we understand it correctly, it contemplates an equitable compensation to the owner for the slave. The American abolitionist does not propose any scheme calculated to relieve the loss to the owner, nor to ameliorate the condition of the slave.

The "irrepressible conflict" between free and slave labour has been waged, not for the good of the slave, but for political power, and to effect a protective tariff. The white labour of the north has required a tariff; the slave labour of the south, free trade.

In the chapters upon the slave and free negro codes of the northern and southern states, much interesting information will be found. They contain developments that may prove to be "two-edged swords" to our sectional partisans.

Although we have endeavoured to be impartial in the presentation of facts, yet we are sure neither the "fanatics" of the north, nor the "fire-eaters" of the south, will be pleased with the expositions we have made. He who does not sustain their respective destructive policies is censured; and such, no doubt, will be our inevitable fate. We are a native of Virginia. In youth our play-grounds were upon the banks of Bull-Run: and as we loved our country then, so we do now; and we shall continue to cherish the hope for its common weal. We trust that a new government will be framed—one that will prevent the success of sectionalism, whether in the north or in the south.

The civil war commenced by the secession of South Carolina; and in the south it is maintained, by an almost unanimous resolve of the people to defend the lives of those who encircle their firesides. In the North it commenced by a patriotic desire of the people to sustain the Federal Union.

The south ought not to, and cannot, be subjugated by the cannon. A twig from the olive-branch, ever full of eloquence, is the only thing that can conquer it.

49, *Weymouth Street, Portland Place, (W.)*
London, February 22nd, 1862.

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AMERICA AND THE SECESSION WAR.

CHAPTER I.

Discovery and Settlement of America; the United States, their Organisations, Topography, Products, and Governments.

THE history of North America, from the period of its discovery to the present time, is replete with interest and instruction. Emerging, as it were, from the chaos of unrecorded ages, that vast continent, destined to become the birthplace of a mighty nation, had no sooner offered its shores as an asylum for the persecuted and oppressed of the Old World, than grateful and energetic bands of noble-minded men hastened to avail themselves of the new sphere of action so providentially opened before them, and at once established a basis upon which to erect a commonwealth that should thereafter rival, in magnitude and importance, the greatest of the monarchies of Europe. Springing, therefore, from such an origin, the people of North America have not affected to trace their early history through the mists of romance, nor to surround the founders of their states with the surreptitious halo of mythological tradition. It has sufficed for them, that,

descending from those representatives of a brave and prudent race, who sought and found, amidst the prairies and forests of the far west, the civil and religious liberty they were denied the enjoyment of in the land of their birth, they have imbibed the perseverance, the fortitude, and the prudence of their ancestors; and now deservedly enjoy the triumphs won by sacrifices and self-denial, in the world-wide recognition of their independence and their might.

Discovery of America.

The Scandinavians discovered America, A.D. 1000. This remarkable race of people extended their explorations to the most remote regions of the northern hemisphere. Scotland, the Orkneys, Shetlands, and Faroe Isles, were, at an early date, familiar to their navigators. Iceland was discovered by them in the year 863. The Norwegian Ingolf began to colonise the island in the year 874; and, from his efforts, sprang the ultimately organised Iceland Republic, with its representative assembly at Thingvalla. The carefully preserved history of Iceland abounds with incidents most interesting. In the year 983, Erik the Red sailed from Iceland, to explore the land previously seen, in 877, by Gunnbiorn; and he succeeded in finding a country, which he called Greenland. In the year 986, he made another voyage, carrying with him emigrants, and settled upon the south-west coast. On a voyage from Iceland to Greenland, in this year (986), Biarne was driven out to sea, towards the south-west, and, for the first time, beheld the American coast. This discovery was made known in Greenland on the arrival of

Biarne; and LEIF THE FORTUNATE, son of Erik the Red, undertook a voyage of discovery thither in the year 1000. He was successful; and he named the countries visited, HELLULAND (Newfoundland), MARKLAND (Nova Scotia), and VINLAND (New England). Other explorations were made by various expeditions; and it is supposed their observations extended to the coast of Florida. The records of these discoveries have been preserved in the Icelandic historic annals; and through the efforts of the distinguished Rafn, of Copenhagen, they have been brought to light, with incontestable evidence of their correctness. The Society of Northern Antiquaries has published translations from the Icelandic histories, with respect to the discovery of America by the Scandinavians; and it would seem that their explorations were probably communicated to COLUMBUS, when he visited Iceland in 1477; and we have no doubt but that the information then obtained, operated as one of the causes which inspired the mind of that great man with that zeal which bade defiance to every difficulty, and enabled him to effect the re-discovery of the New World in 1492, under circumstances that ultimately led to its colonisation, and the formation of one of the greatest nations known in the career of man.

COLUMBUS pursued the object of his ambition without cessation. He met failure after failure with a great degree of philosophy—evidencing that he was a man possessing powers commensurate with the grandeur of the thought. He finally succeeded in getting aid from Spain; and, on the 3rd of August, 1492, he sailed from Palos, upon the memorable voyage that has produced the most wonderful

results. On the 11th of October, 1492, he discovered land, and named it San Salvador. He erected the Cross; and thus, with a heart full of gratitude to God for the success of his mission, dedicated the New World to Christianity. In the year 1497, John Cabot, and his son Sebastian, who were Venetians, made a voyage of discovery to America, under the patronage of Henry VII. of England. On the 24th of June they discovered land, which, it is supposed, was Newfoundland. They explored the coast of Labrador, and southward to Florida. In 1524, an expedition, under the patronage of France, commanded by Verrazzani, a Florentine, explored the coast of New York; and another French expedition sailed in 1534, under the command of Cartier. This expedition ascended the St. Lawrence; and the name of NEW FRANCE was given to the country. In 1539, De Soto started on his extraordinary expedition overland. He sailed from Havana with nine vessels, 900 men, over 200 horses, and a large number of swine—landed on the coast of Florida, and travelled northward, striking the Mississippi river, in the Chickasaw country. De Soto was the discoverer of the Mississippi river; and near its banks he died: his body was buried in its waters by the light of the myriads of stars that shone from the firmament.

In 1562, the Huguenots from France attempted to settle within the present limits of South Carolina; but they were unsuccessful. In 1564, the Spaniards settled at St. Augustine, Florida; but their progress was arrested by a conflict with the French. In 1584, Queen Elizabeth gave a patent to Sir Walter Raleigh, to discover and

occupy lands in America. An expedition sailed that year, and landed on the Roanoke, where formal possession was taken, and the country named VIRGINIA, in honour of the virgin Queen, then on the throne of England. Various other expeditions were projected, and, to some extent, executed.

SETTLEMENT OF AMERICA.

The object of this work is twofold—to revive the memories of the past—to record the incidents of the present; as both are connected with the Secession War, now hastening the destruction of the American Union. Thus, while due regard is accorded to the enterprise, the zeal, and the heroism of those pioneers of civilisation and of empire, who, in the early part of the 17th century, braved the dangers of an unknown sea in search of freedom and a home; converted the haunts of savages into the abodes of civilised man, and superseded the rude and barbarous habits of the forest and the swamp, by the mild and elevating influences of Christianity; the chief aim of the following work will be, to trace the circumstances that gradually have led to the present attitude of a people who are great and prosperous.

The earlier settlers upon the North American continent brought with them the lights which intellect and experience had, through progressive ages, diffused over the western world. The happiness of the daring few, who had exchanged persecution for liberty, allured emigrants from every portion of central and western Europe, until, in time, the few scattered bands grew into a vast and mighty

people; who, bearing for awhile the yoke of foreign domination, at length became impatient of misrule, and bursting their fetters, asserted and conquered a right to be admitted into the brotherhood of nations.

But long ere this result had been obtained, a gradual tendency to cohesion of the separated members of the great Transatlantic family, encouraged aspirations for liberty that penal laws were powerless to suppress, and coercion fanned into an unquenchable flame of patriotism. We shall proceed, however, in the first place, to trace the geographical divisions of the country, and then follow the progressive growth of territory under the monarchical and republican governments—taking the several provinces or states in the order of their original settlement.

The continent of America, situated between the 16th degree of north latitude and the Arctic Ocean, by which it is bounded on its northern side, is enclosed on the east by the Atlantic and the Gulf of Mexico; on the south by the same gulf and Central America; and on the west by the Pacific Ocean. The coast-line being deeply indented with gulfs, bays, and inlets, gives a length, from Hudson's Bay to the Florida channel, of about 4,800 miles; and from thence to Panama, about 4,500 more. On the Pacific side, the whole length, including the coasts of the Gulf of California, has been computed at 10,500 miles; but of the extent of the northern and eastern shores no conjecture has yet been hazarded. Taking it, however, at a probable length of about 3,000 miles, a coast-line is given of some 22,800 miles. Any estimate of the area of a region so irregularly shaped, must be exceedingly conjectural;

but it is generally computed to comprise, in round numbers, about 8,500,000 square miles. De Bow, late superintendent of the Census Bureau at Washington, has given the entire area as embracing 8,373,648 square miles; of which, 3,306,865 belong to the United States: the remainder being divided as follows:—British America, 3,050,398; Mexico, 1,038,834; Russian America, 394,000; Danish America, 384,000; and Central America, 203,551. As the object of this work is necessarily confined to the portion of this vast territory known as the United States of America, it is not necessary to refer further to the other divisions mentioned as constituting the aggregate of the great northern continent.

The nucleus of civilisation, which at first appeared only as a bright speck on the western horizon, was encompassed by all the magnificent wildness of nature, and all the untameable ferocity of savage life. This nucleus, however, progressively expanded over the vast area around it. The dense forests have yielded to the axe of civilisation; the ploughshare has upturned the beautiful and wide-spread prairies; the mighty rivers teem with floating palaces, laden with the fruits of the land, and the people in motion; the railways and telegraphs traverse and girdle the states; the tomahawk, the scalping-knife, and the war-club, have become but relics of a past savage age; the symbols of Christianity, and the temples of learning, are now scattered over that vast country. To the free and unlimited exercise of religious faith, and the general diffusion of knowledge without price, is to be ascribed the prosperity of the American nation.

We shall proceed at once to give a brief notice of the whole domain of the United States, as it now exists, including the states and territories.

Virginia.

The province of Virginia, one of the southern states of the American Confederacy, was first discovered in 1584, although not colonised until 1607. The first discoveries were made in that part now within the state of North Carolina, adjacent to the Ocracock inlet. The first settlement was formed in May, 1607, and called James Town, upon the banks of the James river—called by the Indians, Powhatan River. At this time there were no limits to Virginia; but, subsequently, charters narrowed its territory: so that, at the beginning of the war of 1775, it only contained the territory of the state as now held, and the state of Kentucky, formerly called Fincastle County.

Prior to the declaration of independence, in 1776, the colonies formed armies, and defended themselves against every invading foe. Even after the formation of the united army, under Washington, Virginia organised an independent home service, for the especial protection of its frontiers. General George Rogers Clarke had command of the western division; and his successes north of the Ohio river, at Fort Vincent, Kaskaskia, and Cahokia, gave to Virginia, at the close of the war, by the treaty of peace in 1783, the whole north-west territory, now known as Ohio, Indiana, Illinois, Michigan, Wisconsin, and a part of Minnesota. This vast region was held by conquest; and, at the treaty of 1783, it was conceded—solely,

however, through the resolute and determined course of Mr. Adams, one of the American commissioners. In 1784, Virginia ceded the north-west territory to the Confederation, formed as a perpetual union in 1778; and, in this change of jurisdiction, among the conditions was one, that not more than five states should be formed out of the ceded domain; and another, that "there shall be neither slavery nor involuntary servitude in the said territory;" and "provided always, that any person escaping into the same, from whom labour or service is lawfully claimed in any one of the original states, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labour or service as aforesaid."

On the 1st of June, 1792, the state of Kentucky was admitted into the Union by the consent of Virginia, passed in 1789. By these relinquishments, the domain of Virginia was reduced to its present boundaries. Its area is estimated at 61,352 square miles. The area ceded was about 280,000 square miles.

Virginia is celebrated for the grandeur of its scenery, variety of soil, climate, and extent of mountain ranges. The oceanic section of the state consists of flat lands; and it has a very mild climate: cotton may be cultivated successfully; but the principal product is hay, Indian corn, wheat, and other varieties of grain. Middle Virginia is more elevated and mountainous. The lands are very productive and valuable for grazing. The hilly ranges project from the Appalachian chain, many miles as spurs into the plains: such, for example, as the Sugar-Loaf and the Rattle-Snake mountains, near the noted Bull Run battle-field. The

Blue Ridge traverses the state; and, with the other ranges, separates the Atlantic slope from the Ohio valley. There are valleys and narrow gorges dividing them, affording easy gradients for rail and McAdam roads. An average plantation, on the eastern slope, contains about 300 acres; but, in the mountains, the wild lands (commonwealth domain) are used in common for timber and grazing, so that the cultivated area is the whole of the landed property of the farm. Sheep and cattle graze on the ridges; and the swine fatten upon the acorns, hickory, and other kinds of nuts. Reptiles are common, consisting of the rattle, black, garter, viper snakes, &c.; but they are not dangerous. The most poisonous always retreats, and only defends.

Between the Blue Ridge and the Alleghany Mountains is an extensive valley; and that country through which flows the Shenandoah, is called the "Valley." Westward of all the mountains is the Ohio slope, consisting of farms, woodlands, and grazing lands. In this part of Virginia the climate is quite mild, compared with the mountain regions. The snows are deep, and frosts are severe upon the Appalachian summits. There are railway communications, diverging north and southward from different parts of the Atlantic zone; and, with a few additions, there will be three lines of railways to the more southern states—the one near the coast, another more central, and the third through the valleys of the mountains. Iron, coal, and salt are produced in great quantities.

The gaps in the mountain ranges afford passes for communication between the western and eastern Virginias.

These gaps—and by that name they are called—have been produced by "the wear and tear" of nature—the washing of the waters. The valley of Virginia was at one time, far in the past, a vast lake; and the fertile soil of the farms in that section of the state, is but the alluvial deposit upon the bottom of the lake. The water passed from this inland sea, at Harper's Ferry, and from thence pursued its course to the ocean. It is possible that the water wore away the earth and rocks of the mountain, until the gap was brought to a level with the basin of the lake in the rear. At Cumberland, Maryland, there is a gap in the Wills' mountain, like that at Harper's Ferry—further evidencing the correctness of these views. In the future, the area of Lake Erie will be dry land, except a passage for a river, running from Lake Huron to Lake Ontario; and forest trees will grow where there is now water several hundred feet in depth. There will be no more falls of Niagara, as the rocks over which the mighty torrent now flows will have been washed or worn away; and Lake Erie will have passed and gone, as has been the case with the great lake that was once held bound in the Appalachian Mountains—now the valley of Virginia.

In these mountain passes or gaps, inferior fortifications can prevent the progress of a vast army. Harper's Ferry may be referred to as an example. The town is situated on the tongue of land at the forks of the Potomac and Shenandoah rivers: a few hundred yards to the right, and to the left, are the high cliffs of the Blue Ridge. Manassa Gap is another pass, through which the railway has been constructed, connecting the valley with the ocean slope.

The gap at Harper's Ferry is the most remarkable and stupendous scene in nature. Jefferson thus described it:—"You stand on a very high point of land; on your right comes down the Shenandoah, some 300 feet wide, having ranged along the foot of the mountain 100 miles to seek a vent; on your left approaches the Potomac, some 400 feet wide, in quest of a passage also: in the moment of their junction they rush together against the mountain, rend it asunder, and pass off to the sea. The first glance of this scene hurries our senses into the opinion, that this earth has been created in time; that the mountains were formed first; that the rivers began to flow afterwards; that, in this place particularly, they have been dammed up by the blue ridge of mountains, and have formed an ocean which filled up the whole valley; that, continuing to rise, they have at length broken over at this spot, and have torn the mountain down from its summit to its base. The piles of rock on each hand, but particularly on the Shenandoah—the evident marks of their disrupture and avulsion from their beds by the most powerful agents of nature, corroborate the impression. But the distant finishing which nature has given to the picture, is of a very different character; it is a true contrast to the foreground; it is as placid and delightful as the other is wild and tremendous; for the mountain being cloven asunder, she presents to your eye, through the cleft, a small catch of smooth blue horizon, at an infinite distance in the plain country—inviting you, as it were, from the riot and tumult roaring around, to pass through the breach, and participate of the calm below. There the eye ultimately com-

poses itself; and that way, too, the road happens actually to lead. You cross the Potomac above the junction; pass along its side through the base of the mountain for three miles, its terrible precipices hanging in fragments over you; and, within about twenty miles, reach Fredericktown, and the fine country round it. This scene is worth a voyage across the Atlantic; yet here, as in the neighbourhood of the Natural Bridge, are people who have passed their lives within half-a-dozen miles, and have never been to survey these monuments of a war between rivers and mountains, which must have shaken the earth itself to its centre."

The products of the soil are wheat, Indian corn, rye, oats, buck-wheat, flax, hemp, &c. The timbers are—white and black oaks, hickory, locust, poplar, pine, chestnut, cherry, walnut, &c. Fruits of all kinds grow in great abundance; many of them wild, such as apples, pears, plums, cherries, mulberries, &c. The whortleberries, strawberries, raspberries, grapes, &c., grow wild and in great abundance. The farms are under a high state of cultivation, and the people are comparatively wealthy.

Virginia is called the mother of presidents; having furnished, of her native sons, Washington, Jefferson, Madison, Monroe, Harrison, Tyler, and Taylor. Upon its escutcheon are inscribed the most brilliant orators and statesmen of America.

In the preceding we have briefly described the early history of Virginia, its topographical features, and its productions. We will now add a few remarks respecting its government. Virginia was the first republic of the world.

"It was composed of separate boroughs, diffused over an extensive surface, where the government was organised on the principles of universal suffrage. All freemen, without exception, were entitled to vote." It continued, however, loyal to the British crown, until the people felt oppressed by severe legislation. This colony was among the foremost to rebel and resist British authority, and was the first state that organised an independent sovereignty —a constitutional government.

On the 12th of June, 1776, a convention of delegates adopted a constitution, organising a government which was, and has been, a model for the other and succeeding states. In 1829, and again in 1850, conventions assembled to revise the organic instrument of the state; the first re-adopted it, but the latter added to it a few alterations. The first part of the instrument contains a declaration of rights, such as—"That all power is vested in, and consequently derived from, the people; that magistrates are their trustees and servants, and at all times amenable to them." The preamble recites the causes that impelled Virginia to separate from the British dominion. The powers of government are to be exercised by three departments—the legislative, executive, and judiciary. Every white male citizen, over twenty-one years of age, is a voter; the legislature is called the General Assembly, and is divided into two branches—the senate and house of delegates; the former consisting of fifty members, and the latter of 152, elected by the people biennially, each from a given district apportioned according to population. The general assembly meets once in every two years,

and can continue in session ninety days, but not longer, without the concurrence of three-fifths of all the members elected to each house.

The chief executive power of the state is vested in a governor, whose term of office is four years. He is elected by the people. A lieutenant-governor is elected at the same time, who is the president of the senate; and in case of death, or removal of the governor, the duties of the executive devolve upon him. The judiciary department consists of a Supreme Court of Appeals, district courts, and circuit courts; and the state is divided into twenty-one judicial circuits, ten districts, and five sections. In each circuit a judge is elected, for the term of eight years, by the voters thereof. A circuit court is held, at least twice a year, by the judge of each circuit; and a district court is held, at least once a year, in every district, by the judges of the circuits constituting the section, and the judge of the Supreme Court of Appeals for the section of which the district forms a part; any three of whom may hold a court. The Court of Appeals is composed of five judges, one for each section, elected by the voters of the respective sections. The term of the supreme judges is twelve years. This court has appellate jurisdiction only, except in cases of *habeas corpus*, *mandamus*, and *prohibition*.

New York.

Verrazzani, the Florentine navigator, it is believed, landed upon the American coast, within the present state of New York, in the year 1524. In 1609, the English navigator, Henry Hudson, in the service of

the Dutch, entered the harbour of New York; and he ascended the beautiful river that bears his name, as far up as where Albany is situated. Some four years subsequently, a trading station and a fort were established at Fort Orange, on the banks of the Hudson, where Albany is situated. About the same time, New Amsterdam (now New York) was established on the south-west point of Manhattan Island. A fort and trading station were erected; and the fur business was carried on under a patent, procured from the Dutch states-general. These settlements were considered as forming a colony, and was styled New Netherlands. In 1625, Peter Minuet was created the first governor of New Netherlands. At that time successful efforts were made to extend the settlements by emigration. In 1647, Peter Stuyvesant arrived at Fort Amsterdam, as governor. The present New York was then called New Amsterdam. Stuyvesant was a man well fitted for the station to which he had been appointed. He had much experience as an executive, and his administration was efficient. He laid claim to all the lands between Cape Henlopen and Cape Cod. The right of the Dutch to these lands was subsequently disputed by the English; and, through an arbitration, considerably reduced in extent. Charles II., king of England, disregarded the claims of the Dutch to New Netherlands; and, in 1664, granted to his brother, the Duke of York and Albany, all the mainland of New England, from the St. Croix to the Connecticut and Hudson rivers, "together with the said river, called Hudson River; and all the lands from the west side of Connecticut River to the east

side of Delaware Bay." This grant included all of the present state of New Jersey. At this time, the settlement on Manhattan Island was changed, in name, from New Amsterdam to New York, in honour of the Duke of York. There were about 3,000 inhabitants: many of them, on account of the change in proprietorship, returned to Holland. Colonel Nichols was the deputy-governor; and, through his efforts, many English emigrants were induced to join the new colony. Difficulties then arose between the Dutch and the English, and they continued for some years; but they were ultimately settled by the Dutch separating themselves, and fixing their homes at other places upon the Hudson river. The English, a more commercial people, held to New York. About 1678, the province of New York contained twenty-four towns, villages, and parishes. The annals of New York, as a province, abound with incidents of great interest: it increased in wealth and inhabitants to an extraordinary degree; and it soon became imperial as to population and wealth.

During the century preceding the war of 1775, New York had to contend with great difficulties. The French and Indian wars required her fullest energies of defence. Besides these, the government was in a continual contest with respect to her boundaries. The present state of Vermont was claimed by New York and New Hampshire; and both states pressed their titles to the same domain. The question was finally settled by the organisation of a new state in 1791. The territory between the Hudson river and the Delaware bay, became the state of New Jersey. After the relinquishment of its title to Vermont,

by legislative enactment in 1790, the area of the state of New York was reduced to the present boundaries, estimated at 47,000 square miles.

The soil of New York was early saturated with the blood of the white man; and the struggles that arose from the conflicting claims of the Dutch and English settlers, perpetuated the evils generated by the hostility of the original possessors of the territory. During the wars waged between France and England, in 1690, 1701, and 1702, the province suffered greatly from outrages perpetrated by the Indians, who readily lent their aid to harass the English settlers. In 1690, Schenectady was burnt by the savages, and many of its inhabitants ruthlessly massacred; and the memory of the destruction of the garrison at Fort William Henry, by the Indians in 1757, will long be preserved among the darker pages of the provincial annals. Of its share in the war with Great Britain, which resulted in the establishment of the independence of the country, we shall hereafter have to speak.

The south-eastern section of this state is mountainous, being traversed by several ridges from New Jersey, one of which crosses the Hudson river at the Highlands. The Catskill Mountains, in the counties of Ulster, Green, Albany, and Scoharie, are the highest in the state; the Round Top—the principal summit—being 3,804 feet above the level of the sea. The country on Lake Champlain is hilly, and becomes mountainous as you approach the Highlands, which divide the waters of this lake from those which fall into the St. Lawrence. West of these Highlands, a fine country, at first hilly, then level and fertile, extends

to the St. Lawrence and Lake Ontario. That part of the state bordering upon Pennsylvania is hilly and mountainous. From Genesee River, near its mouth, to Lewistown, on the Niagara river, there is a remarkable ridge, running almost the whole distance, which is seventy-eight miles in a direction from east to west. Its general altitude above the neighbouring land is thirty feet; and its width, in some places, is not more than forty yards. Its elevation is about 160 feet above the level of Lake Ontario, to which it descends by a gradual slope; and its distance from that water is between six and ten miles. There is every reason to believe that this ridge was once the margin of Lake Ontario. About twenty miles south of this ridge, and parallel with it, there is another, which runs from Genesee River to Black Rock. The country between the ridges is called the Tonnewanta Valley; and there is some reason to believe that it was once covered by the waters of Lake Erie. Since the explorations of the Rocky Mountain valleys, we have additional evidence, substantiating the supposition that lakes have existed in different parts of the country, where there are now cultivated farms, or gigantic forests. On the shores of the "dry lakes," as they are termed, which have been found in the newly-explored regions of the Rocky Mountains, the water-line is to be seen; and the basin has the appearance of having been but recently covered with water.

The Falls of Niagara—grand and wonderful in the works of nature—is situated about half-way between Lake Erie and Lake Ontario. Beyond doubt they were, at one time, on the verge of the latter lake; but they are now within

fourteen miles of the former. The immense volume of water, passing from Erie onward to the ocean, rushes over a precipice, and falls perpendicularly to the depth of 176 feet. The roar of the water can sometimes be heard at the distance of forty miles. In this state there are various other falls, though of lesser importance—such as the Genesee, at Rochester, and those of the Mohawk river; all of which are of more than ordinary beauty and romantic circumstance. It was over the former that Sam. Patch made his last leap, in the presence of the assembled thousands.

The soil of New York is but of an average quality, though it is well cultivated, with the appliances of mechanical arts and the chemical sciences. The products are wheat, rye, oats, barley, Irish potatoes, buck-wheat, fruits, hay, butter, cheese, hops, maple sugar, &c. The trees are oak, pine, spruce, larch, walnut, chestnut, sugar maple, tamarack, ash, elm, beech, butter-nut, sycamore, locust, sassafras, poplar, cherry, &c. An immense amount of capital is invested in manufacturing establishments. The flouring mills are numerous, and nearly all kinds of fabrics are woven in this state. The minerals of New York are the iron, lead, zinc, copper, arsenic, cerium, silver, cobalt, &c. The people are energetic, enterprising, and comparatively wealthy.

The government of New York, like all the other states, is constitutional. The last revise of that instrument took place in 1846. The powers are divided between the legislative, executive, and judiciary. The governor and lieutenant-governor are elected for a term of two years. The

legislature of the state is vested in a senate and assembly. The former consists of thirty-two members, chosen for two years. The latter consists of 128 members, elected annually. The legislature assembles once every year. Every male citizen, of the age of twenty-one years, who shall have been a citizen of the state, with a certain local residence, is a voter; but no man of colour, unless he shall have been for three years a citizen of the state, and, for one year next preceding any election, shall have been seised and possessed of a freehold estate of the value of 250 dollars, over and above all debts and incumbrances charged thereon, and shall have been actually rated and paid a tax thereon, shall be entitled to vote at such election. The elections are by ballot. The state is divided into judicial districts; and the tribunals are organised, so as to afford the greatest facilities in the administration of justice. New York state has given to the nation one president—Martin Van Buren; and her statesmen have added to its glory and renown. The public and internal improvements, such as the railways, canals, telegraphs, &c., have placed the whole nation in rapid communication with the commercial and manufacturing enterprise of the state. The city of New York is the commercial metropolis of the nation; and, if its progress continue during the next century as it has been during the past, it will be the greatest city ever planted by the Creator upon the face of the earth. A united nation only could accomplish for it such an exaltation.

Massachusetts.

The original settlers in this state were a body of Puritan emigrants, who, having fled from persecution in England, had found an asylum in Holland in the year 1608, and selected the town of Leyden as their temporary home. After a few years' residence in Holland, circumstances occurred to render their abode at that place distasteful to them; and they resolved to seek a resting-place on the American continent, to which they proceeded in the ship *Mayflower*, chartered for the purpose. On the 21st of November, 1620, the voyagers dropped anchor in the harbour of Cape Cod; and, after a careful examination of the coast by parties dispatched for that purpose, on the 22nd of December, 1620, they landed upon a place which, in memory of the last spot in England their feet had pressed, they called Plymouth. Thus originally settled, Massachusetts was for a long period almost exclusively occupied by people of nearly unmixed English descent. This exclusiveness has, of course, been long broken in upon; but whatever may be the origin of the present generation of their successors, there is no question that the citizens of Massachusetts, in point of morals, education, and intellectual culture and development, are not to be surpassed by the inhabitants of any other portion of the vast Union to which they belong. This state has given birth to a great number of eminent authors, inventors, and statesmen.

The original charters of Massachusetts embraced the territory of New Hampshire. In 1679, a separate charter

was given to the latter, under which a new government was organised. The present state of Maine was a part of Massachusetts until the year 1819, when the legislature relinquished all authority over the district of Maine, upon certain conditions. The state of Massachusetts was then reduced within its present defined boundaries, having a connected domain; and the district of Maine was organised into a state, and admitted into the Union, in 1820, as one of the national sovereignties.

The area of this state is 7,800 square miles; the middle, eastern, and north-eastern portions are hilly and broken; the south-eastern, level and sandy; and the western portion, although slightly mountainous, is but inconsiderably elevated above the sea; Saddle Mountain, in the north-west extremity, 3,505 feet in altitude, being the highest land in the state. The next eminences of any consequence are—Wachusett Mountain, near the centre of the territory, having an elevation of 2,018 feet; Mount Tour, on the west of the Connecticut, of 1,200; and Holyoke, on the east side, of 910 feet. Saddle Mountain is a peak of the Green Mountain range, which enters the state from Vermont, and passes through it into Connecticut.

The water-power of Massachusetts is abundant; and it is employed to the fullest extent. Manufactories are scattered all over the state, giving employment to thousands who could not otherwise obtain a subsistence. The soil is sterile, and its products are stunted or dwarfish. The Indian corn grows to the height of five to six feet; in Virginia, and other central states, it grows to the height of nine and ten feet. The commerce of Massachusetts is

very extensive, and its ships are to be found throughout all the seas. This state has ever been foremost in learning, and its scholars have done much for the diffusion of knowledge throughout the whole country.

The first constitution of the state of Massachusetts was framed in March, 1780. Sundry alterations and amendments have been from time to time adopted; but the principles of government remain the same as organised by the constitution of 1780. It declares, "that all power residing originally in the people, and being derived from them, the several magistrates and officers of government, vested with authority, whether legislative, executive, or judicial, are their substitutes and agents, and are, at all times, accountable to them."

The government is composed of three departments—the legislative, executive, and judiciary. The legislative power is vested in a general court, composed of a senate and House of Representatives, the members of which are elected by the people. The former, according to the constitution, is composed of forty members, and the latter of 240. The governor, or executive of the commonwealth, is elected annually. He has, to aid him, a council, consisting of eight persons, annually chosen from among the people at large, by the inhabitants of the state who are qualified to vote. Every male citizen, of twenty-one years of age and upwards, is a voter. The organic law, however, declares, that "no person shall have the right to vote, or be eligible to office under the constitution of this commonwealth, who shall not be able to read the constitution in the English language, and write his name."

The state is divided into judicial districts. It has an appellate court; also other tribunals for the administration of justice in the larger cities, with especial jurisdictions.

Massachusetts has given to the nation two presidents; John Adams, and his son, John Quincy Adams.

New Hampshire.

In 1621, Captain John Mason was granted, by the council of Plymouth, authority over certain lands lying between the river of Naumkeag and the river Merrimac; these were called the district of Mariana. In 1622, another grant was given to Sir Ferdinando Gorges and Captain Mason, jointly, for all the lands lying between the Merrimac and the Sagadahoc rivers, and extending back to Canada. This tract of land was called Laconia: it included a part of the Mariana grant. In 1629, Laconia was divided. The region east of the Piscataqua was given to Gorges, and named Maine; the west tract was given to Mason, and named New Hampshire, in honour of Hampshire county, England.

In 1641, a large number of the inhabitants came under the jurisdiction of Massachusetts. For some years there was a conflict of jurisdiction between many of the people of New Hampshire and the government of Massachusetts; and, for a long time, the same governor presided over both colonies, but with distinct commissions. In 1737, commissioners were appointed by the crown to adjust the long-subsisting controversy; and finally, the whole was, by agreement, submitted to the king for his decision. George II.

decided in favour of New Hampshire. After this adjustment, the question of its western boundary arose; and, for a long time, New York and New Hampshire claimed the territory now known as Vermont. Both states issued land grants, and the dispute was conducted with much resolve and passion. The contest was quieted on the commencement of the revolutionary conflict with the mother country: the claimants having entered into that struggle, forgot, for a time at least, all other considerations. After the war, and in 1791, by common consent, the disputed territory became the state of Vermont.

The area of the state is about 9,280 square miles; and it is of a mountainous, hilly, and broken character; and, with one exception, it contains the most elevated land east of the Mississippi; Mount Washington, the loftiest peak of the White Mountains, rising 6,428 feet above the sea-level.

The products of the state are Indian corn, oats, wheat, rye, &c. The timbers are oak, chestnut, pine, walnut, sugar-tree, &c. The soil is sterile, but repays careful culture by abundant harvests.

The constitution of New Hampshire was framed in 1792, and was amended in 1852. The powers of government are vested in legislative, executive, and judiciary departments. The first consists of a senate and House of Representatives; and, as a department, is styled the "General Court." It assembles annually. The senate has but twelve members; and, in the house, the number of members depends upon the voting population: thus, one member for each 150 ratable male polls, of twenty-one years of age. The governor is chosen annually, by

the voters of the whole state. There are five councillors, one of which is elected by the people every year; each serving a term of five years. The councillors advise the governor in the executive department of the government. The state is divided into judicial districts, and the judges are appointed by the governor and council; they hold their offices during good behaviour.

Every male inhabitant of each town, of twenty-one years of age, is a voter, excepting paupers, and persons excused from paying taxes at their own request. The privileges of the Roman catholic religion are restricted. The constitution recognises the protestant faith as the legitimate religion, to be authorised by legislative authority to be promulgated to the people. Nevertheless, the Roman church is not prohibited.

New Hampshire has given to the nation one president, Franklin Pierce. It has enrolled upon its annals the names of many illustrious statesmen.

New Jersey.

This state lies between the Hudson and the Delaware rivers, and has an area of 8,320 square miles. The first settlement was made on the Hudson river, opposite the upper part of the present city of New York, by the Danes, who accompanied the Dutch colonists under authorisation of the Dutch republic, in 1618. In 1623, a settlement was made, by the Swedes and Finns, on the Delaware river, below Camden—which was called Fort Nassau. In 1627, another was made on the western bank of the Delaware, near Christiana Creek. About 1640, the English began a

settlement on the eastern bank; and, shortly after, there arose a conflict between the Swedes and the English with respect to titles. The former united with the Dutch, and drove the English from the country. The Swedes then erected a fort on the spot that had been held by the English, which commanded the river. They claimed and exercised authority over all vessels that entered, including those of the Dutch. Until 1655, the Swedes held both sides of the Delaware; solely, however, under the right of occupancy. At this time, Stuyvesant, the governor of New Netherlands, by the aid of forces sent to him from Holland, compelled the Swedes on the Delaware to surrender; and the officers and principal people were taken to New Amsterdam as prisoners. The Dutch then held the whole territory, now comprising the states of New York, New Jersey, and Delaware. The English, however, continued to claim the country, under the title of discovery; and an expedition was sent to New Amsterdam in 1664, which demanded from Governor Stuyvesant a surrender of the country; and, being in a defenceless condition, he yielded. The expedition then went to the Delaware, and effected a submission of the people, which completed the English title of occupancy. The grant of Charles II., in 1664, to the Duke of York, embraced the whole territory from Nova Scotia to the east side of the Delaware bay. In the same year, the Duke of York sold and conveyed to Lord Berkeley and Sir George Carteret, all the land lying between the Hudson and Delaware rivers, under the name of New Cesaria. The name New Jersey was subsequently given to it in compliment to

Carteret, who had defended the island of Jersey, during the civil war, against the Long Parliament. Emigration was encouraged, and the proprietors granted a constitution, securing to the people liberty of conscience and equal rights. In 1673, the Dutch invaded the English provinces; and Captain Manning, then in authority, surrendered New York without making any defence. Subsequently, he was tried by a court-martial, and found guilty upon his own confession. The sentence was—"Though he deserved death, yet, because he had, since the surrender, been in England, and had *seen the king and the duke*, it was adjudged that his sword should be broken over his head in public." In the year 1674, the English retook the possessions from the Dutch. The proprietors of New Jersey, about this time, divided their interests; and West New Jersey came under the management of the Quakers, who divided the lands between purchasers. East New Jersey had about 5,000 inhabitants in 1680; and its government was located at Elizabeth Town. In 1702, the two provinces, East and West New Jersey, were, as to government, surrendered to Queen Anne; and from thence they were united. The queen appointed a governor for New York and New Jersey, jointly, in 1703. The two provinces, New York and New Jersey, continued under the one governorship, but with separate assemblies, until 1738, when the queen appointed a governor for each. At the commencement of the revolutionary period, New Jersey was among the foremost to resist the British oppression; and during that memorable struggle, the state performed her part well.

The northern part of New Jersey is mountainous; but upon the sea coast, quite level. The central section consists of plains, with a few small hills. The railways and canals traverse the state in different directions. The gradients of the former are but nominal; and the latter require but few locks and dams. The products of the state are wheat, rye, oats, hay, Indian corn, barley, a great variety of fruits, and garden products. The people of this state have facilities for carrying the yield of the land, every hour of the day, to Philadelphia and New York markets. It has but little timber, except in the mountains, or northern section.

The first constitution of this state was adopted on the 2nd of July, 1776, by "the representatives of the colony of New Jersey, having been elected by all the counties in the freest manner, and in Congress assembled." And it was conditioned in that instrument thus:—"It is the true intent and meaning of this Congress, that, if a reconciliation between Great Britain and these colonies should take place, and the latter be again taken under protection and government of Great Britain, this charter shall be null and void, otherwise to remain firm and inviolable." This assemblage of delegates of the state was called a "Congress." Two days after the formation of the constitution, the Congress of the United States, some twenty miles distant, at Philadelphia, adopted the declaration of independence.

In 1844, a convention of this state revised the constitution of 1776. The powers of the government are divided into three distinct departments—the legislative, executive,

and judicial. The first is vested in a senate and general assembly. The senate is composed of twenty-one members, being one senator from each county in the state; elected for a term of three years, one-third of whom retire each year. The general assembly is composed of representatives based upon apportionment, though the number cannot exceed sixty. The governor is elected for a term of three years. The judicial powers are vested in a Court of Errors and Appeals; a court for the trial of impeachments; a Court of Chancery; a Prerogative Court; a Supreme Court; circuit and such inferior courts as may be authorised by the legislature. Every white male citizen of the United States, of the age of twenty-one, and resident of the state one year, is a voter.

Delaware.

In 1610, Lord De La War, governor of Virginia, entered the Delaware bay. In 1637, a colony of Swedes and Finns came to America, and settled at Cape Henlopen, which they called "Paradise Point." They bought from the natives the lands desired, and called the country "New Sweden." They located, principally, at the mouth of Christiana Creek, near Wilmington. These people had many difficulties with the Dutch and English, both of whom claimed the right of government. In 1674, Charles II. granted to his brother, the Duke of York, the country called New Netherlands, which included the lands occupied by the Swedes. In 1683, the duke sold to William Penn the whole of the Delaware country; and it was called the "Three Lower Countries." These "countries"

were governed as a part of Pennsylvania, until 1703, when they became independent by consent, and formed a separate assembly, though under the Penn proprietorship. In 1776, Delaware was organised into a state, and thereafter shared in the revolutionary contest. The area of the state is 2,120 square miles, and, next to Rhode Island, is the smallest of the Union, comprehending about one-third of the surface of the north-eastern portion of the peninsula which lies to the east of Chesapeake Bay. The coast is low and sandy, and has no natural harbour, except at the northern extremity, along the banks of the river from which the state derives it name. In order to form a serviceable harbour, a breakwater was constructed by the Federal government, opposite the village of Lewistown, and above Cape Henlopen, at a cost of nearly 3,000,000 of dollars.

The state of Delaware is comparatively level. The soil, in the northern and central sections, is good, and profitably cultivated; near the sea it is sandy, and, to a very great extent, subject to tidal overflow. The products are Indian corn, wheat, rye, oats, &c. The fruits of this state are greatly in demand. There are but few woodlands. The railways and canals traverse the state, affording the fullest required facility for commercial transit.

The constitution of Delaware was formed in 1792, and amended in 1831. The powers of government are vested in the legislative, executive, and judicial departments. The first is styled the "General Assembly," and consists of a senate and House of Representatives. The legislature meets biennially. The senate is composed of nine

members—three from each county—elected for a term of four years. The house is composed of twenty-one members, elected for a term of two years. The governor is elected by the people, for a term of four years. The judicial power is vested in a Court of Errors and Appeals, a Superior Court, a Court of Chancery, an Orphans' Court, a court of oyer and terminer, a court of general sessions of the peace and gaol delivery, a registers' court, justices of the peace, and such other tribunals as the legislature, by a vote of two-thirds of each house, may establish. The right of suffrage is granted to every white male citizen, of the age of twenty-one years or upwards.

MARYLAND.

This colony was founded in the year 1622, by Cecil, Lord Baltimore, an Irish nobleman, whose father had been secretary of state to James I.; and was one of the original associates of the Virginia Company. In the year mentioned, this nobleman visited America, for the purpose of ascertaining whether or not some portion of the territory of Virginia, or New England, might not be rendered promotive of the interests of his family, and at the same time afford a safe retreat for the persecuted professors of the Roman catholic faith, to which he had become a convert. A portion of the territory of Virginia was selected by him; and he had influence to obtain from King Charles I. a grant of sufficient land for his purpose: but before he could carry the plan of colonisation into effect, his lordship died, leaving to his son the task of consummating his design. To the latter, therefore, in 1632, a charter was

granted, by which the territory was separated from Virginia, and erected into an independent colony by the name of Maryland—a designation it received as a mark of respect to the queen of the royal donor. The first settlers in the colony were brought to it in 1634, by Leonard Calvert, the brother of the founder; and one of the earliest acts of the colonists allowed religious liberty, which contrasted generously with the conduct of the people through whose over-rigid zeal they had been compelled to abandon the homes of their fathers, that they might worship God according to their consciences, in the wilds of a far-distant country. And again, in 1649, the legislature of Maryland passed an act granting perfect religious toleration to people of all sects and creeds. By this liberal concession to religious principle the new colony speedily became strong in point of numbers, as well as in intelligence. In twenty-six years from its foundation, the population of the district amounted to 12,000 persons; and, in 1671, it had increased to 20,000. The first legislature assembled in 1639, and passed many useful laws. When the civil war in England took place, the government of Maryland was much disturbed, as, under Cromwell, a new governor was appointed, who was adverse to the interests of the proprietors. The first settlement was made at St. Mary's; and this place continued the capital of the province until 1691, when it was removed to Providence, now known as Annapolis, the present capital of the state. In 1688, the government of Maryland was assumed by King William; and, in 1691, Sir Leonel Copely was appointed governor. In 1715, the government was

restored to the proprietors, who continued to exercise their authority until the American revolution commenced, when an effort was made by the people to establish an independent government. In 1776, an election took place for members of the legislature, under the constitution; and they met, February 5th, 1777. Thomas Johnson was the first governor.

The boundary line between Maryland and Pennsylvania, for more than a century, has been of discussional interest. The heirs of Lord Baltimore and of Penn were, for many years, contesting the location of the line between their respective grants. It was finally determined to have the line permanently fixed upon certain agreed stipulations; and to that end, on the 4th of August, 1763, Charles Mason and Jeremiah Dixon, "two mathematicians and surveyors," were appointed, in London, to establish the boundary. They arrived in Philadelphia, November 15th, 1763, and immediately proceeded in the discharge of their duties. At the end of every mile a stone post was set up, with the letter P, and the arms of Penn engraved on the north side; and the letter M, with the arms of Lord Baltimore, on the south side. These gentlemen nearly completed the survey, and were honourably discharged on the 26th of December, 1767. The Indians prevented the completion of the undertaking at that time; but, in 1784, the residue, some twenty-two miles, was surveyed by others.

Mason and Dixon's line is often referred to in American discussions, because it is a line between the slave and the non-slaveholding states. At the present time, the whole of the states south of the line are slaveholding states, and

all to the north are non-slaveholding. Upon the north is the state of Pennsylvania, extending from the Delaware to the Ohio river and Lake Erie; to the south are the states of Delaware, Maryland, and Virginia.

The soil of Maryland is rich, and yields excellent crops of grain, including wheat, rye, oats, Indian corn, hay, &c. The timbers are oaks, chestnut, walnut, sycamore, poplar, locust, &c. The section lying east of the Chesapeake bay, is called the eastern shore. The lands are very level, and well cultivated. West of the bay, the country is rolling or undulating, the soil rich, and well cultivated. The western end, Alleghany County, is mountainous; and it abounds with iron ore, and the richest bituminous coal. The greatest width of the state is about 120 miles; but at Hancock it is but scarce four miles. At this place the mountain ranges commence, and extend some 100 miles westward. The great national road, running across the Appalachian chain of mountains, passes through this part of the state, from east to west. The constitutionality of making this and other roads, as internal improvements, in connection with the establishment of a national bank, were the leading causes that created the great whig party, headed by Henry Clay. President Jackson was against those measures, and Senator Clay was in favour of them. The Jackson party succeeded in 1836, but in 1840 it was most signally defeated by the whigs.

On the 14th day of August, 1776, the first constitution of Maryland was adopted "by a convention of the delegates of the freemen." Subsequent to that date divers amendments were adopted; but in 1851 the whole

constitution was reframed by a convention. The powers of government are vested in the legislative, executive, and judicial departments. The legislative is composed of a senate and a house of delegates, jointly styled "the General Assembly." The senate consists of twenty-two members, each elected for a term of four years. The house of delegates cannot exceed eighty, or be less than sixty-five—depending upon population—each elected for a term of two years. The general assembly meets biennially. The executive, or governor of the state, is elected by the voters of the whole state for a term of four years. The judicial power of the state is vested in a Court of Appeals, circuit courts, courts for the city of Baltimore, established by law, and in justices of the peace. The judges are all elected. Every free white male person, of twenty-one years of age or upwards, resident as to time according to law, is a voter.

The railway and canal facilities for transportation are very complete. Its shipping interest is very large; the people are energetic and enterprising.

Connecticut.

In 1633, William Holmes, of Plymouth, erected a house, and fortified it, at Windsor, on the Connecticut river; and, during the two subsequent years, many people from Massachusetts emigrated to Connecticut. Prior to this date, however, the Dutch had established a fort where Hartford is now situated. In 1638, the inhabitants of this new province formed an independent commonwealth; and, in 1643, the colonies of Massachusetts and Connec-

ticut formed an alliance, under the name of the "United Colonies of New England." Their united strength was formidable, and they were able to repel the invasions of the Dutch and Indians. After Charles II. ascended the throne of England, Governor Winthrop was sent to the king to obtain a royal charter for Connecticut; and on the 20th of April, 1662, it was granted. James II., in 1685, attempted to assume the government of the province, by cancelling the charter; and to that end, in 1687, Sir Edmund Andros, governor-general of New England, proceeded to Hartford, the capital of Connecticut. He arrived there during the session of the assembly, and demanded the charter. It was secretly taken by the people, and hid in the hollow of an oak tree. The new governor, however, took possession of the province. After the death of James II., the provincial government resumed the exercise of its chartered rights.

The people of Connecticut had to contend against the Indians and their sovereign. They fought well, and were able defenders of their homes: their laws were strict; but they were faithfully obeyed. The inhabitants of Connecticut have ever been remarkable for bravery and fidelity.

The area of the state is about 4,674 square miles. The surface of the country is generally uneven; but there are no isolated mountains of great altitude in Connecticut—the chief ranges of high ground being merely continuations of the Massachusetts mountain chain, which runs from north to south, in the direction of the Housatonic and the Connecticut, the two principal rivers of the state.

The Green Mountain range terminates two miles northwest of New Haven. The soil of this state is very good and productive, especially upon the Connecticut river. There are many hills in the state, though not of very great altitude; the highest being the Blue Hills, about 1,000 feet. This is a manufacturing state. The Connecticut clock is known throughout the world, even in the snow-huts of the Esquimaux, for its correctness in indicating the "march of time."

The first constitution of Connecticut was formed in 1818, and since then sundry amendments have been adopted. In its general model, the constitution was but a continuation of the charter granted to the old Connecticut colony, by Charles II., in 1662. The powers of the government are vested in the legislative, executive, and judicial departments. The legislative is composed of two branches, the senate and the House of Representatives. It meets annually. The senate consists of not less than eighteen, nor more than twenty-four members, as may be apportioned by the legislature from time to time. The House of Representatives is composed of 215 members. The governor and lieutenant-governor are elected annually; the latter presides over the senate. The judicial powers of the state are vested in a Supreme Court of Errors, a superior court, and such inferior courts as may be established by the general assembly. The judges are elected by the legislature. Every white male citizen of the United States, who shall have attained the age of twenty-one, with a residency, is a qualified voter, *provided* "he be able to read any article of the constitution, or any section of the statute laws."

Rhode Island.

The first white settler on Rhode Island was Roger Williams, whose liberal opinions in matters of faith, and eccentricities of manner, banished him from England, and at length rendered him obnoxious to the colonists of Massachusetts, with whom he had emigrated, that, with them, he might enjoy liberty of conscience, but among whom he strove to inculcate principles of toleration far in advance of their ideas of religious liberty. The result was, his expulsion, in January, 1636, from the colony of Massachusetts, by the voice of the whole community, which required that he should be forthwith transported to England. A ship was then ready to sail from Boston to Europe; and a pinnace was dispatched to Salem, where he resided, for the purpose of conveying him to Boston, where he was to embark; but, having received notice of the project for transporting him, he fled from his persecutors. "For fourteen weeks he was sorely tossed in a bitter season, not knowing what bread or bed did mean." In his wanderings he approached Narraganset Bay; and at Mooshansie, an Indian village, he met with some natives, whose language he had acquired a knowledge of, and was received by them with kindness. In June of the same year, with five companions who had accompanied him, he founded a little settlement at the mouth of the Seakonk river—naming the place Providence, "as an acknowledgment of God's merciful providence to me in my distress; and I desire it may be for ever a shelter for persons distressed for conscience' sake." The land sur-

rounding his settlement was purchased fairly by him, from the chiefs of the Narraganset tribe, to whom it belonged; and who, on the 24th of March, 1638, made over to him a large domain, which he designated Providence Plantation. Williams then organised a body politic, and the public affairs were conducted upon the most liberal principles. This new colony, however, was much annoyed by the Plymouth government claiming the territorial jurisdiction, and right of property.

In 1644, Williams went to England, and obtained a patent from the Plymouth Company for the territory he had occupied, and the right of self-government. In 1647, a legislative tribunal was organised, and a code of laws established. Sixteen years subsequently, Charles II. granted a royal charter, creating a provincial government, under the name of "The Governor and Company of the English colony of Rhode Island and Providence Plantations, in New England, of America." After the government was organised, the assembly granted to all Christian sects, excepting Roman catholics, the right of voting.

The largest portion of the state of Rhode Island lies to the west and north-west of Narraganset Bay, and comprehends about 900 square miles. A further portion is situated eastward of the same bay; and the rest is composed of various islands, of which the one giving name to the state is the largest, and is also the most fertile and best populated. Near Rhode Island is another, named Canonicut Island, seven miles long, and one broad, much frequented for the beauty of its scenery. Prudence Island, lying partly between Rhode and Canonicut islands,

is of smaller dimensions than the last-named; and Block Island, situated about twelve miles south-west from Point Judith, on the mainland (about eight miles long, by two to four miles broad), is chiefly inhabited by fishermen. On Canonicut Island are the ruins of a circular fort, which, crowning an eminence at the entrance of the bay, present the remains of an early period. This circular fort is supposed to have been constructed by the Northmen during their settlement of the country, between the 10th and the 14th centuries. The tower is precisely like those constructed at many places on the continent of Europe, by Romans, and now to be seen as ruins. The celebrated Dighton rock, with runic inscriptions, found upon the Taunton river, evidences the settlement of the country by the Scandinavians in the year 1007.

The state of Rhode Island is comparatively level, with sandy plains. There are many hills; none exceeding 300 feet high above the level of the sea. The soil is not very fertile, but it is well cultivated. Wheat, rye, oats, beans, barley, buck-wheat, Indian corn, &c., are among the products of the state. The grazing lands are extensive; and the cattle, sheep, and horses, raised by the farmers, are very superior. The woollen and cotton fabrics of this state are of the best quality. The first cotton mill in the United States was erected in Rhode Island.

Until 1842, the people of the state of Rhode Island continued their government under the charter, commencing thus:—"Charles the Second, by the grace of God," &c. This charter restricted the right of suffrage; but, in 1842, the popular excitement, created by the Dorr rebellion,

produced the formation of a more democratic government. The constitution, adopted in 1842, forms the government into three departments—the legislative, executive, and judicial. The first is composed of two branches, the senate and House of Representatives. The senate consists of the lieutenant-governor, and of one senator from each town or city in the state; at present thirty-two. The house cannot exceed seventy-two members. The governor, lieutenant-governor, senators, and representatives are elected annually. The legislature meets annually; the May session is held at Newport; the October session, biennially, at South Kingstown; and biennially, alternately at Bristol and East Greenwich; and an adjourned October session, annually, at Providence.

The judicial power of the state is vested in one Supreme Court, and such other inferior courts as the legislature may ordain from time to time. Every male citizen of the United States, of the age of twenty-one years, is a qualified voter, provided he has been a resident in the state one year, holding property to the amount of 134 dollars, over and above all debts, or property producing a rent not less than seven dollars per annum, and shall have paid a poll-tax of one dollar.

North Carolina.

This state was originally included in the grant given by Queen Elizabeth to Sir Walter Raleigh in 1584, for the territory named Virginia. Attempts were made to settle the country in 1585, and again in 1589; but the efforts were unsuccessful. In 1650, some Virginians fled to this

territory to enjoy religious toleration, which they had not been able to realise in Virginia. They settled near Albemarle Sound, and declared they would not acknowledge any superior on earth, nor obey any laws but those of God and nature. In 1661, a few people from Massachusetts settled on the shores of Cape Fear River; and, in 1666, there were about 800 inhabitants. Charles II. granted a patent to Lord Clarendon, and others, for all the territory between 30° and 36° N. lat., extending from the Atlantic to the South Sea (Mississippi River), or Pacific Ocean. Emigration was encouraged, and they were promised religious liberty, and the right to be governed by an assembly. A settlement was made at Charleston (South Carolina); and being very successful, it proved to be a rival to the one on Albemarle Sound. It was owing to this circumstance that the terms "North" and "South" Carolina originated, and ultimately a division of the territory. A despotic governor reduced North Carolina to half its population, which only numbered, in 1694, 787.

In 1707, some Huguenots, or French protestants, located themselves on the river Trent, and conducted their affairs with prudence, effecting prosperity. In 1710, a large number of Palatines came from Germany, and settled in North Carolina; but the most of them, and many of the other inhabitants, were massacred by the Indians in 1712. After this, North Carolina came under the government of South Carolina, until about 1729, when it was transferred to the king by the proprietors. Subsequently, another government was established under the crown. The early

annals of this portion of the American continent are written in blood, through the fierce and implacable hostility of the Indians, who on several occasions devastated the settlement, and massacred the unprotected inhabitants. The people of this state took an early and active part in the most stirring events of the revolution, and many sanguinary conflicts with the royal forces took place within her borders. The Mechlenberg Declaration of Independence was made on the 31st of May, 1775; and North Carolina therefore claims the *honour* of being the first of the colonies to demand a separation from the parent country.

The area of North Carolina is 50,704 square miles; and at the commencement of the revolution in 1775, included Tennessee. In 1790, it ceded the territory of Tennessee (then called Franklin) to the United States; which was, in 1796, admitted into the Union as a state.

The face of the country comprehended within the limits of this state, is, on the south-east and east sides, level and sandy, interspersed with shallow lakes and marshes. A chain of low islands or sand-banks lines the whole extent of the coast, cutting off a number of shallow lakes or lagoons, which are difficult to navigate. The tract known as the Great Dismal Swamp, partly in the north-east of this state and partly in Virginia, is a soft spongy mass, supposed to be higher than the surrounding country, and to hold the water by capillary attraction. No state has a greater variety of soil than North Carolina. The dwarf palms and the live oak grow around the mouth of Cape Fear River; whilst, in the western sections, the forest

marks a climate of much lower temperature. In the south-western part of the state, and in most of the seaward zone, cotton is the staple production. In the west, almost every species of grain, except rice, is cultivated. Figs, apples, peaches, and the greatest variety of fruits are produced in abundance. Wheat, rye, barley, oats, flax, and Indian corn are the crops of the state. Cotton is raised in very considerable quantities. North Carolina abounds in iron ore. Its gold mines have been very profitable. The mines found upon the Yadkin and its branches, extend over a district comprising about 1,000 square miles. Manufacturing is carried on to a considerable extent.

The prefix to the present organic instrument reads thus:—"The constitution, or form of government, agreed to and resolved upon by the representatives of the freemen of the state of North Carolina, elected and chosen for that particular purpose, in Congress assembled at Halifax, December 18th, 1776." The government is vested in the legislative, executive, and judiciary departments. The legislative consists of two branches—the senate and the House of Commons. The senate is composed of fifty members, elected biennially. The House of Commons is composed of 120 members, biennially chosen by the people. The general assembly meets biennially. The governor of the state is elected by the people for a term of two years. The legislature elects the judges, and ordains the judicial system of the state. The judges of the supreme and superior courts are elected by joint ballot of both houses of the general assembly: and they hold office during good behaviour. Every freeman, of the age of twenty-one years,

resident of the state for one year, and possessed of a freehold of fifty acres of land, is a qualified voter; but "no free negro, free mulatto, or free person of mixed blood, descended from negro ancestors to the fourth generation inclusive, shall vote for members of the senate and House of Commons."

The constitution further declares, that "no person who shall deny the being of God, or the truth of the Christian religion, or the divine authority of the Old or New Testament; or who shall hold religious principles incompatible with the freedom or safety of the state, shall be capable of holding any office or place of trust in the civil department within this state."

South Carolina.

The early history of the settlement of this state is associated with the persecutions and sufferings of the Huguenots; a party of whom, under the auspices of Admiral Coligny, and the immediate leadership of Ribault (an officer of great spirit and enterprise), emigrated from France in 1562, with the intention of forming a protestant colony in Florida. This effort, by the mismanagement of the authorities, resulted in a failure, and the colonists returned to France. A second attempt, under the same leader, was equally unsuccessful; and, for a time, the colonisation of this portion of the American continent was abandoned.

The next enterprise in this direction was undertaken in 1584, by Sir Walter Raleigh, who, having obtained a grant of the territory from Queen Elizabeth, chartered

two vessels with emigrants for the American coast; and, landing, gave to the whole country the name of Virginia, from which the two states of North and South Carolina were subsequently formed. The first effort of Raleigh, like that of Ribault, was a disastrous failure; and the emigrants, worn out by disappointment, fatigue, and hunger, returned to England. Undeterred by the discouragements which had been fatal to the first expedition, Raleigh, in 1587, equipped another company of adventurers, who endeavoured to establish themselves at Roanoke, near Cape Hatteras, where they had landed on the 22nd of July. This effort, like the first, was unsuccessful: the colonists were either starved or destroyed by the Indians; and, during a space of twenty years, no further attempt was made to plant an English colony in America.

Omitting further reference here to the establishment of European colonies upon the vast continent, we arrive at the period when Carolina was first named as a separate state; namely, in the year 1638, when Charles I. granted to Sir Robert Heath, then attorney-general, a range of territory on the North American continent, stretching to the southward of Virginia, from the 36th degree of north latitude, by the name of Carolina. Little was done towards forming a settlement under this grant; but, between the years 1640 and 1650, many persons, suffering from religious intolerance in Virginia, fled beyond her limits, and occupied a portion of North Carolina, north of Albemarle Sound. In 1670, the settlement had assumed a permanent character at Port Royal, on the right bank of the Rappahannock river, twenty-two miles below the

site of the present town of Fredericsburg. A constitution was drawn up for the colonists by John Locke, in 1665, which was found too Utopian in its principles to be reduced to practice. The distinctive appellations of North and South Carolina came into use about the same time. South Carolina continued to be a proprietary government until 1719, when it became a royal colony. Subsequently, it joined in the resistance to British rule, and formed its own independent and sovereign government. This state has an area of about 29,885 square miles.

South Carolina is naturally divided into three zones. The maritime zone rises by a very gentle acclivity from the ocean; the rivers are shallow near their mouths, and much of the surface is flooded by the tides and land floods. This outer belt is followed, about the lower falls of the rivers, by a still more sandy zone, which is in turn succeeded by the hilly tract between the head of tides and the mountains. The third, or mountain tract, with the exception of the mountain ridges and a still increased elevation, differs in no essential respect from the middle or hilly zone. Both the latter sections of South Carolina partake of the general diversity of surface, salubrity of climate, and fertility of soil, which distinguishes the verge of the Appalachian system in all its length. The extreme north-western part of South Carolina is on the great table-land from which the sources of the Tennessee flow north and north-west; those of the Chatahooche, from south-west; and those of the Savannah and Santee, south-east.

The soil of South Carolina is divided into six classes:—

1. Tide swamp. 2. Inland swamp. 3. High river swamp, or low grounds, distinguished by the name of second low grounds. 4. Salt marsh. 5. Oak and hickory high land. 6. Pine barren. The first two classes are peculiarly adapted to the culture of rice and hemp; the third is most favourable to the growth of hemp, corn, and indigo. The oak and hickory land is remarkably fertile, and well adapted to the culture of corn, as well as indigo and cotton. The pine barren, though the least productive, is so much more salubrious than the other soils in the low country, that a proportion of it is an appendage indispensable to every swamp plantation. The staple commodities of this state are cotton and rice, of which great quantities are annually exported. These articles have so engrossed the attention of planters, that the culture of wheat, barley, oats, and other crops equally useful, but less profitable, has been neglected. Cotton was not raised in any considerable quantities till so late as 1795; and before that period indigo was, next to rice, the most important article of produce; but it is now neglected. Tobacco thrives well. The fruits which flourish best are pears, pomegranates, and water-melons: the latter, in particular, grow to an enormous size, and are superior, perhaps, to any in the world. Other fruits are figs, apricots, nectarines, apples, peaches, olives, almonds, and oranges.

The period of vegetation comprehends, in favourable years, from seven to eight months, commencing in January or February, and terminating in October or November. The frosts generally, in the months of November, December, January, and February, are too severe for the

delicate production of more southern latitudes. The low country is seldom covered with snow, but the mountains near the western boundary often are. Frost sometimes occurs, but seldom penetrates deeper than two inches, or lasts longer than three or four days. At some seasons, and particularly in February, the weather is very variable. The temperature has been known to vary 46° in one day. In Charleston, for seven years, the thermometer was not known to rise above 93°, or to fall below 17° above 0. The number of extremely hot days in Charleston is seldom more than thirty in one year. The low country is infested with all the diseases which spring from a warm, moist, and unelastic atmosphere. The districts of the upper country enjoy as salubrious a climate as any part of the United States.

The present constitution of the state of South Carolina was framed in June, 1790. It was amended in 1808, and again in 1816. The powers of government are vested in the legislative, executive, and judiciary departments. The legislative is called a general assembly, meets annually, and consists of a senate and House of Representatives. The former is composed of forty-six members, elected for a term of four years; and the latter of 124 members, elected for a term of two years. Every free white man, of the age of twenty-one years (paupers and non-commissioned officers, and private soldiers of the army of the United States, excepted), being a citizen of the state, and possessing a freehold of fifty acres of land, or a town lot, is a qualified voter. The state is divided into judicial districts. The Court of Appeals is composed of a chief

justice, and two associate justices. The governor is elected by the senate and House of Representatives jointly, for a term of two years.

Pennsylvania.

At an early period in the settlement of America, the territory of Pennsylvania was claimed by the Dutch, upon the grounds of first occupancy on the Delaware river. The Swedes, in 1631, contested the right; and, in 1640, the English, from New Haven, alleged a claim under the law of discovery. Governor Stuyvesant, of the Dutch at New Amsterdam (now New York), in 1655, took forcible possession of the Swedish settlements on the west bank of the Delaware, claiming the whole as within the jurisdiction of New Netherlands. The patent given to the Duke of York, in 1664, by Charles II., embraced the territory claimed by the Dutch on the Hudson and the Delaware rivers. In 1675, the western part of Pennsylvania was sold to Edward Bylinge, of the Society of Friends, for whom William Penn became trustee; and, in 1681, the king gave to William Penn a patent for the eastern lands, which were named Pennsylvania. Penn proceeded immediately to encourage emigration, and peace with the Indians. He devised a system of government, and a code of laws. The lands on the south side of the Delaware, embraced within the patent of the Duke of York, were purchased by Penn; and, in August, 1682, with 2,000 emigrants, he sailed for America. After his arrival, he made a treaty with the Indians, and organised his colony upon equitable principles. An assembly was formed, and

the people exercised the right of legislation, securing to themselves the right of religious and political freedom. The Delaware territory had a separate assembly, but the same governor presided over both legislatures. The population rapidly increased, principally on account of the intolerant acts of the English government with respect to religion. The Quakers found no peace at home; and for the privilege of worshipping God according to the dictates of their own consciences, they abandoned their birthplaces, and took up their homes in the wilds of the New World. In 1753, the Indians were at war in the western part of Pennsylvania, on account of land titles among the different tribes. The whites took part in the contest—the English on one side, and the French, then at the head of Ohio river, on the other side. Braddock, with his fine English army, was defeated and routed near Pittsburg (then Fort Duquesne), on the banks of the Monongahela. Colonel George Washington had command of the Virginia forces in this war, and proved himself to be a brave soldier. The French abandoned the contest, and the Indians ultimately yielded. The government of Pennsylvania remained under the influence of the heirs of Penn until the first part of the revolutionary war of 1775, when the people purchased the titles to their lands, which, up to that time, had been held in *fee*. The entire state embraces an area of 46,000 square miles; more than half the surface being covered by the Alleghany or Appalachian chain of mountains, the ridges of which run S.S.W. and N.N.E.; the width along the southern boundary line of the state being near a hundred miles.

Pennsylvania is advantageously situated as regards navigable rivers; amongst which, the Delaware on the east, the Susquehanna in the centre, and the Ohio on the west, claim precedence. The first named is navigable by large ships to Philadelphia, and by sloops to Trenton, 130 miles from its mouth. The Susquehanna rises in two branches on the table-lands of Pennsylvania and New York, more than 200 miles from each other. The entire course of the river is rather less than 450 miles. Some of its affluents are navigable for small boats during the greater part of the year. The Ohio, formed by the junction of the Alleghany and Monongahela rivers, runs westward, for about forty miles through this state.

It may be doubted whether a more widely diversified region exists on the face of the earth than Pennsylvania, or one of similar area on which the vegetable and mineral productions are more numerous. In a state of nature, the streams of this state flowed through a dense forest. No part of Pennsylvania is level; and, in respect to surface, it is divisible into three natural sections: first, a small but important hilly tract between the marine alluvium and the lower ridges of the Appalachian system; second, the mountainous, or middle section; and third, the western hilly.

The difference of level in Pennsylvania, if the mountain plateaus are included, is about 1,200 feet, or an equivalent to three degrees of latitude; so that extremes of temperature over the state extend to about five degrees. Pennsylvania is emphatically a country congenial to wheat, meadow grass, and the apple; but it admits a wide

diversity of other vegetable productions. Except rice, it embraces the whole list of cerealia cultivated in the United States; and amongst fruits, besides the apple, peaches, pears, and plums abound. Of indigenous forest trees, this state yields as great a variety as is to be found on the globe in a zone two degrees and one-third wide, and not quite six degrees in length. The terebinthine forests are in great part confined to the mountains, and the deciduous trees to the eastern and western sections. In the latter the sugar-maple becomes plentiful. The productive soil is, in a remarkable manner, equally distributed; and some of the most fertile bottoms in the state are included in the mountain section.

Pennsylvania affords marble of a beautiful variety and excellent texture. Iron and anthracite coal follow marble, and exist in quantities which defy exhaustion. Iron abounds over the whole state; and where the anthracite coal ceases, the bituminous commences, and seems to underlie great part of the western, and some of the central portions of it. In the region of bituminous coal, wherever the earth has been penetrated to any great depth, salt water has been found; and salt works, on a large scale, exist on the Conemaugh, and in some other parts of the western section.

The first constitution of the state of Pennsylvania was adopted September 28th, 1776. It was revised in 1838, and amended in 1850. The government is vested in the legislative, executive, and judicial departments; the first consisting of a senate, at present with thirty-three members, and House of Representatives, with a hundred members.

The number of senators cannot be less than one-fourth, nor more than one-third of the number of representatives; and they are elected for a term of three years: members of the house cannot exceed one hundred, nor be less than sixty, elected for a term of one year; the precise number of members is regulated, from time to time, by the legislative apportionment. The general assembly meets annually. The executive, or governor, is elected by the people for a term of three years. The judicial power of the commonwealth is vested in a Supreme Court, courts of oyer and terminer, and general gaol delivery, a Court of Common Pleas, Orphans' Court, Register's Court, and a Court of Quarter Sessions of the Peace for each county; justices of the peace, and such other tribunals as shall be ordained by the legislature. The judges are elected by the people. Every white freeman, of the age of twenty-one years, with a residency, is a legal voter.

Georgia.

In 1732, George II. granted a patent to a philanthropic company to settle the province of Georgia. The territory was embraced in the original charter of Carolina. The river Savannah separated the two colonies, and Georgia extended westward to the Mississippi. The poor and indigent families of Great Britain and Ireland were encouraged to settle in Georgia; and many humane and opulent persons aided the colonisation by the contribution of money. The first settlement was made in 1733, under the direction of James Oglethorpe, one of the trustees of the Georgia Company, on the banks of the Savannah. In

1752, a royal government was formed; after which population rapidly increased in numbers and wealth. Although the younger of the North American colonies at the outbreak of the revolution, Georgia was prompt to join its elder sisters in denouncing the attempted oppressions of the British government, in resisting arbitrary laws, and in declaring its independence; but its juvenile strength was not proportioned to its will; and being forced to succumb to royal authority, it continued in prolonged and wearisome subjection to British rule during the war.

The territory comprehended under the name of Georgia, embracing an area of 58,000 square miles, is naturally divided into three zones, each of which is very distinctly marked. The lowest, and what may be called the tropical zone, rises by a very slow acclivity from the Atlantic Ocean, commencing in a series of islands. This is, in its oceanic margin, a recent alluvion; and is followed by the second, a sandy tract of little more elevation, but reaching to the falls of the rivers. The third, or hilly, and, finally, mountainous section, is the most extensive, fertile, and salubrious. From the level of the Atlantic islands to the mountain vales of Chatahooche and Etowah rivers, must be an elevation of 1,200 or 1,500 feet; at the lowest, an equivalent to 3° of latitude; which, added to 4° 38′, gives a difference of 7° 38′ in temperature. The mountainous northern extremity rises into an elevation favourable to apples and the grasses; while the southern extremity, on the Appalachicola, Suwanne, St. Mary's, Santilla, and Alatamaha, has a temperature suitable to the sugar-cane, orange, olive, date, and lemon. Between those extremes

vegetable production has an extensive range. To those already named, may be added cotton, rice, tobacco, and indigo; of fruits, the peach, fig, pomegranate, plum, &c. The sea border is a region of palms, and has a mean temperature at least two degrees above that of equal latitudes in the basin of Mississippi. In summer the Atlantic border is a real tropical climate; whilst towards North Carolina and Tennessee, the mountain vales smile under a mitigated sun. Cotton, rice, and sugar, may be regarded as its staples. The former has, however, so far predominated—the Atlantic islands producing a peculiar kind of superior value—that it may be considered the exclusive staple of the state. The sweet orange and sugar-cane can be cultivated with success along the whole ocean border, and for some distance inland.

The constitution of Georgia was framed in 1777; revised in 1798; and amended in 1839. The powers of government are vested in the legislative, executive, and judicial departments. The legislative is composed of two branches—the senate and House of Representatives. The former consists of a member from each county—at present 135; and the house consists of at least one member, and not more than four, from each county, determined according to appointment from time to time; and, at present, 175. The members of both branches are elected biennially, and the legislature meets biennially. The governor is elected by the people, for a term of two years. The judicial powers are vested in a superior court, and such other courts as shall be ordained by the general assembly from time to time. The judges are elected by the legislature, for a term

of six years. The state is divided into sixteen circuits, with a judge for each. Every resident white male citizen, of twenty-one years of age, having paid the legislative taxes, is a qualified voter.

In the preceding pages we have hastily noticed each of the original thirteen colonial states. It has not been possible for us to give details of political history; nor could we do more than simply refer, laconically, to some of the most important incidents, developments, and peculiar characteristics of the respective political divisions. These were the thirteen independent and sovereign powers that formed the great American Republic of 1789, which has progressed with a degree of prosperity theretofore unknown in national annals. Its career has been brilliant, and of singular renown. But, at the present time, a fratricidal struggle is effacing its well-earned glory from its heretofore fair escutcheon.

CHAPTER II.

Admission of new States—their History, Topography, and Governments; the Territories of the Union, and the District of Columbia.

Admission of New States into the Union.

The constitution of the United States formed a government composed of the thirteen colonial states, with all their territories. Provision was made, in that instrument, for the admission of new states into the Union; viz.—

"New states may be admitted by Congress into the Union; but no new state shall be formed or erected within the jurisdiction of any other state, nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned, as well as of Congress."

The word "may" has been interpreted, by some politicians, to mean *permissive;* and that Congress could admit or reject the application: but statesmen have contended, that Congress had no power to refuse the admission of a state properly organised. The expression of the constitution is vague and irregular. The clause was written for special cases—particularly to gratify the state of New York, with respect to the district of Vermont, at that time assumed by its people to be a state; while, on the other hand, New York claimed Vermont as a part of its territory. Another clause of the constitution has been interpreted, by politicians, to bear upon

the consideration of propositions for the admission of new states; namely—

"The United States shall guarantee to every state in this Union a republican form of government, and shall protect each of them against invasion; and, on application of the legislature or the executive (when the legislature cannot be convened), against domestic violence."

Many politicians have coupled the two quoted clauses together, and have asserted, that Congress must examine the constitution of the proposed state applying for admission into the Union, and determine whether or not the form of government recognised in it be republican or not. Northern politicians have been wonderfully fastidious on the subject of constitutional mention of the negro race, on the admission of new slaveholding states; and the slightest restriction of their immunities, has been sufficient to incur their indignity and unceasing opposition; but in cases where the state is non-slaveholding, the restrictions upon free negroes, it would seem, has not been a question of conscience with them. To prove the preceding, we would refer to the great northern struggle, on the admission of Missouri, in the years 1818, 1819, and 1820; and then to the tranquillity of the republican party, on the admission of Oregon, in 1858. On the Missouri question, the northern states objected to the clause in the constitution permitting the legislature to pass laws prohibiting free negroes from emigrating into that state. The clause had to be practically expunged from the constitution, before Missouri could be admitted. In 1858, Oregon was admitted, with a constitutional clause more severe against the free negroes than was proposed by the

Missourians in 1820. The admission of Oregon was advantageous to the north; it increased the power of the republican party in Congress.

We are pained to make these admissions of the inconsistencies of our country's public men. It is but just to mention, however, that the pro-slavery party has been equally anxious to obtain an increase of power; as an evidence of which, we need but refer to their efforts in favour of the admission of Kansas, as a slave state, in 1857. As proof that the constitutional question created on the recent applications for the admission of new states into the Union, has been but a mere party strategy, we need but refer to the Congressional proceedings on the applications for the admission of the states of Missouri, Kansas, and Oregon; and then compare them with the proceedings of Congress admitting the states of Vermont, Kentucky, Tennessee, and Ohio.

Vermont was the first new state admitted after the adoption of the federal constitution. On the 9th of February, 1791, President Washington laid before Congress documents received from the governor of Vermont, expressing the consent of the legislature of New York, and of the territory of Vermont, that the said territory should be admitted to be a distinct member of the Union. On the 18th of the same month, an act of Congress was approved for the admission of Vermont into the Union. No formality was observed respecting the contents of its constitution. The act of Congress says—"Vermont having petitioned Congress, &c., on the 4th day of March, &c., shall be received into this Union, as a new and entire

member of the United States of America." There was no constitution either submitted to, or required by, Congress: nor are there any traces of a constitution of that new state to be found previous to the 9th of July, 1793.

Kentucky was the next state admitted into the Union. On the 18th of December, 1789, shortly after the national convention adopted the federal constitution, the Virginia legislature resolved in favour of authorising Kentucky to organise an independent state. On the 4th of February, 1791, Congress passed an act of consent, that Kentucky should become a separate state, and be admitted into the Union on the 1st day of June, 1792. On the 19th of April, 1792, the state formed its constitution, and organised a state government. On the first day of the next session of Congress (November 5th, 1792), the senators from Kentucky took their seats. The constitution of the state had not been, nor has it ever been, submitted to Congress. The formalities observed in the admission of the states of Vermont and Kentucky, during the first years of the government, and during the administration of Washington as president (and who had been the president of the convention that framed the federal constitution), conclusively prove, that the submission of a constitution was not necessary, as a precedent, to the admission of the new state making the application to become a member of the Union.

Tennessee was the next state admitted. Its constitution had been formed on the 6th of February, 1796; and on the application for its admission, a member from South Carolina objected to its constitution, because "it contained

a clause repugnant to the constitution of the United States." A member from Georgia considered that the objectionable clause was of no particular import; and said, "if repugnant to the constitution of the United States, it was a nullity, because the constitution of the United States was paramount." The state was admitted, even with the objectionable clause, without further discussion.

Ohio was the fourth state admitted. On the 30th of April, 1802, Congress passed a law, authorising the people of the territory of Ohio to form a state government. On the 29th of November, 1802, a constitution was framed; and, on the 7th of January, 1803, it was laid before the senate: it was referred to a committee, and was never reported upon. At the close of Congress, it was filed in the archives of the senate as "dead matter." On the 19th of February, 1803, Congress passed an act, in which was declared, that, by the law of Congress, approved April 30th, 1802, the people of the territory of Ohio, having been authorised to form a constitution and state government, therefore the said state of Ohio had become one of the United States of America. Louisiana was the first state admitted through formality—not, however, on the question of slavery, but on a pecuniary consideration with the older states. On the 20th of February, 1811, Congress passed an act authorising the people of Louisiana to form a constitution and state government, which was complied with by the adoption of a constitution on the 28th of January, 1812. On the 8th of April, 1812, the state was admitted into the Union by formal act of Congress; but conditional: namely—it was

stipulated that the free navigation of the Mississippi, and other rivers of Louisiana, should be secured for ever to all the older states, free from "any tax, duty, impost, or toll." The Mississippi river traverses the state, and the older (then existing) members of the Union made it a condition of the admission of the state of Louisiana, that the free navigation of that great river should be secured to all the *old* states of the Union. There was a good reason for the enactment of this stipulatory law. The state of New York, at that very day, like the old feudal knights of the Rhine, exacted as a toll, one dollar from every passenger that travelled in the steam-boats navigating the Hudson river. It thereby derived an immense revenue from the tax levied upon one of the navigable streams of the Union. The state of New York required the people of Louisiana to pay a toll of one dollar for permission to travel upon the Hudson river steam-boats; but on the admission of Louisiana into the Union, it was conditioned that the people of New York were to travel free from tax upon the Mississippi river, running within the state of Louisiana! It was right to secure the free navigation of that great river, not only to the *older*, but to all the states of the Union.

We cannot, in this work, fully discuss the important issues which have originated on the admission of new states into the Union. The preceding cases are sufficient to prove, that the subsequent policy pursued by the northern states has been politically sectional, without regard to the spirit of the national compact, as practically interpreted by Washington and the other framers of the federal constitution.

VERMONT.

This state was the first admitted into the Union, after the formation of the United States' government of 1789. The territory of Vermont, consisting of an area of 10,212 square miles, was claimed by the states of New York and New Hampshire. The latter alleged that its domain, under the royal charter, extended as far west as the territory of Massachusetts. This allegation was resolutely denied by New York. The people of Vermont were opposed to both claimants, and declared themselves an independent colony. New York exhibited a resolution to maintain its title by force and occupancy: on the other hand, the people of Vermont were determined to resist all attempts at coercion; and their hardy lives had fitted them to enforce their will. The revolutionary war put at rest, for the time being, the domestic conflict between the people of Vermont and the state of New York; each abandoned the home quarrel, and united against a common and foreign foe. After the close of the war the whole country required tranquillity. The long struggle had produced a general desire for peace with all the world, and especially between the colonies. They had conquered their independence at a great cost; and the responsibility of maintaining it was fully appreciated. The people of Vermont were resolute, fearless, and brave. They felt that they had done their part in the achievement of the national glory; and that glory they were determined to enjoy as a sovereignty. Great Britain was anxious to retain Vermont within her American possessions. The states had formed

the confederation government, and were in the full enjoyment of peace. Vermont applied for admission as a state; but New York objected, alleging a claim to the territory. In 1787, application was made to be admitted into the constitutional government as a sovereign state; but New York defeated the effort. It was feared that Vermont, rather than submit to coercion, would join the British possessions; and, in 1789, New York was induced to withdraw its opposition. By an act of Congress, passed March 4th, 1791, Vermont became a member of the constitutional government of the United States.

The face of the country is hilly or mountainous. East of Lake Champlain, its western boundary, the lands, for about five miles, are uneven and fertile. The chain of Green Mountains traverses the state; and, near the centre, it divides—one range extending northward, consisting of broken sections, with the highest peaks; the other range runs north-east, in an unbroken chain. This immense mountain barrier has a valley through it, possessing grand and beautiful scenery. Among the highest of the mountain peaks is the Killington, 3,675 feet above the level of the sea; also the Camel's Rump, on the south side of Onion River, 4,188 feet; and the Mansfield, on the north side of the Onion, 4,279 feet. The land lying east of the mountain ridge, is more hilly than that on the western side. The birch, beech, maple, ash, elm, and bitter-nut, grow to the east; and the oak, pine, and evergreens grow to the west of the mountains. In the valleys the lands are rich, generally moist, and very fertile. The hilly lands are sterile and difficult to cultivate, on account of rocks.

The products of the state are barley, rye, oats, peas, flax, potatoes, Indian corn, and sugar. Apples are abundant; and horses, mules, sheep, swine, and cattle are extensively raised.

The constitution of Vermont was framed July 4th, 1793, and amended in June, 1828. The first article declares—

"That all men are born equally free and independent, and have certain natural, inherent, and unalienable rights: amongst which are the enjoying and defending life and liberty; acquiring, possessing, and protecting, property, and pursuing and obtaining happiness and safety; therefore no male person, born in this country, or brought from over the sea, ought to be holden by law to serve any person as a servant, slave, or apprentice, after he arrives to the age of twenty-one years, nor female in like manner, after she arrives to the age of eighteen years, unless they are bound by their own consent after they arrive to such age, or bound by the law for the payment of debts, damages, fines, costs, or the like."

The commonwealth of Vermont is governed by the supreme legislative power, vested in a senate, and House of Representatives of the freemen of the state, styled the "General Assembly:" the supreme executive power is vested in a governor, and the judicial power is given to such courts of justice as may be ordained from time to time by the legislature. The senate is composed of thirty members annually elected by the people: the house has 230 members. The governor is elected annually; also a lieutenant-governor, who presides over the senate. The Supreme Court consists of six judges, annually elected by the general assembly. There are various other courts organised for the administration of justice throughout the state. The constitution declares, that—

"Every man of the full age of twenty-one years, having resided in this state for the space of one whole year next before the election

of representatives, and is of a quiet and peaceable behaviour, and will take the following oath or affirmation, shall be entitled to all the privileges of a freeman of this state.

"You solemnly swear (or affirm), that whenever you give your vote of suffrage, touching any matter that concerns the state of Vermont, you will do it so as in your conscience you shall judge will most conduce to the best good of the same, as established by the constitution, without fear or favour of any man."

KENTUCKY.

This state was originally Fincastle County, Virginia; and by consent of Congress and Virginia, it was admitted into the Union, June 1st, 1792. Kentucky has an area of 37,680 square miles. Indian tradition teaches, that it was a hunting-ground for the tribes living north and south. It was a vast wilderness, where the wild beasts had roamed at will. Though the Indians considered it their hunting-ground, yet the disagreements between the northern and southern tribes prevented its constant occupancy by either. Occasionally, however, they met in large masses, each determined to exterminate the other. For centuries the wars continued; and the country being noted as the great battle-field, it was called Kentucky, which means, "the dark and bloody ground." Findley, Boone, Harrod, Bullitt, Floyd, and others, who emigrated to Kentucky a few years before, and soon after the revolution, had to contend with the Indians for every foot of soil; and many were the bloody scenes of those eventful times. The Ohio river forms its northern, the Mississippi river runs along its western, and the Cumberland Mountains forms its eastern boundary. The Tennessee and Cumberland rivers traverse the southern section of the state, entering from the state

of Tennessee, and emptying into the Ohio river. The Green river rises in Kentucky, and is navigable to Bowling Green, in the central section; and more northern is the Kentucky river, navigable to Frankfort, the capital of the state. The Big Sandy, which forms a part of its eastern boundary, empties into the Ohio river, and is navigable for small steam-boats about fifty miles. The navigation of the rivers in Kentucky has been improved by the slack-water system—the construction of locks and dams. The face of the country in the eastern section of the state is mountainous; more westward the lands are hilly; the more central, embracing the Lexington district, is still less hilly. The country east and west of Green River is very hilly, though the Hopkinsville district is quite level. Between the Cumberland and Tennessee rivers there are hilly ranges; and, westward of the latter, the lands are very level, and comparatively sterile. The soil of the central section of the state is the most productive. On the head-waters of Green River, and bordering upon Tennessee, are the "Barrens," consisting of hilly ranges, covered with stunted trees, commonly called post-oak and black-jack. The white and black oaks, walnut, black and honey-locusts, sycamore, sassafras, cedar, poplar, maple, and all kind of fruit trees, grow thriftily throughout the state. The products are hemp, flax, wheat, rye, Indian corn, potatoes, tobacco, buck-wheat, barley, &c. Horses, mules, cattle, sheep, and swine, are extensively raised, and exported to other states.

The most wonderful natural curiosity in the world is the Mammoth Cave of Kentucky. It extends, in a direct

line, some ten miles; and the various branches, estimated at about 200, probably make an aggregate of fifty miles of subterranean chambers. This natural wonder has been thus briefly described:—"A narrow passage leads to the great *vestibule* and oval hall, 200 by 150 feet, and fifty feet high. Two passages, of 100 feet width, open into it; and the whole is supported without a single column. This chamber was used, it is said, by the races of yore as a cemetery; and bones of gigantic size have been found in it. A hundred feet above your head, you catch a fitful glimpse of a dark gray ceiling, rolling dimly away like a cloud: heavy buttresses project from the shadowy wall. The scene is vast, solemn, and awful. In the silence that pervades, you can hear the throbbing of your heart. In Andubon Avenue, is a deep well of pure spring water, surrounded by stalagmite columns from the floor to the ceiling. The 'Little Bat Room' contains a pit of 280 feet deep, and is the resort of myriads of bats; the 'Grand Gallery' is a vast tunnel, many miles long, some fifty feet high, and as wide. The 'Kentucky Cliffs,' and the 'Church,' about 100 feet in diameter, and sixty-three feet high, are places of great interest. A natural pulpit and an organ-loft are to be seen; and here religious services have often been performed. The 'Gothic Avenue,' reached by a flight of stairs, is forty feet wide, fifteen feet high, and two miles long; and in this chamber, some years ago, several mummies were found. The 'Vulcan Furnace' is remarkably curious—the forge, cinders, and the fittings of the smith's shop are all to be seen. The 'Star-Chamber' is a vast avenue, with a ceiling resembling the firma-

ment, studded with stars; and afar off is a comet, with a bright tail. The 'Temple' is an immense vault, covering an area of two acres, with a single dome of solid rock, 120 feet high. In the middle is a large mound of rocks, forming what is called the 'Rocky Mountains.' The 'River-Hall' descends like the slope of a mountain; the ceiling stretches away before you, vast and grand as the firmament at night." The illumination of the "Snowball Chamber" and "Charlotte's Grotto," are the most sublime scenes ever witnessed by man. The latter is some ten miles from the entrance, beyond rivers and valleys.

The first constitution of the commonwealth of Kentucky was framed in 1792; revised in 1799, and again in 1850. The powers of government are vested in the legislative, executive, and judicial departments. The legislature consists of a senate and House of Representatives, jointly styled the "General Assembly." The senate is composed of thirty-eight members, each elected for a term of four years; one-half of the members retire every two years. The house has 100 members, elected for a term of two years. The legislature meets biennially. The executive or governor, and a lieutenant-governor, are elected for a term of four years. The latter presides over the senate. The judicial powers are vested in a Court of Appeals, circuit county courts, and such other courts as may be ordained by the legislature. The judges of the Court of Appeals are elected by the people, for a term of eight years; and the judges of the circuit courts, for a term of six years.

Every white male citizen of the age of twenty-one years, and a resident of the state, is a qualified voter.

Tennessee.

The domain of this state was originally a part of North Carolina. Tennessee was admitted into the Union, June 1st, 1796, with an area of 45,600 square miles. Its lands were, as those of Kentucky, hunting-grounds for the Indians. These vast regions, comprising nearly 100,000 square miles, were, beyond doubt, the wildest in the world; and, even at this day, portions of them retain a grandeur beyond the power of the pen to describe. The Chickasaw, Chocktaw, and Shawnee Indians claimed this territory; and, in the effort to expand the boundaries of civilisation, many hardy pioneers became victims of the tomahawk.

Tennessee is divided into three sections—namely, the eastern, middle, and western. The eastern is traversed by ranges of the Cumberland Mountains, in which rise the Holston, Clinch, Tennessee, and Cumberland rivers. The two latter empty into the Ohio river, and are navigable for steam-boats throughout the year. The principal city is Knoxville. Middle Tennessee is hilly, and under a high state of cultivation. Its principal city is Nashville, the capital of the state. The western division lies upon the Mississippi river, and is more level than the other sections. Its principal city is Memphis. The lands of this state are generally very fertile, producing cotton, tobacco, wheat, rye, Indian corn, barley, oats, buck-wheat, hemp, flax, sugar, &c. Horses, mules, cattle, swine, and sheep are extensively raised and exported. In the mountain ranges there are immense quantities of red and white

cedars, which are cut, and floated in rafts down the rivers to the Ohio, and then carried by steam-boats to other states, where they are principally used as railway ties. The white and black oaks, black and honey-locusts, black and white walnuts, poplar, hickory, sycamore, sassafras, post-oak, red oak, cedars, &c., grow in this state. The commercial transit is very complete, through the facilities of the navigable rivers and railways. The state abounds with coal and iron ore. The pig, bloom, and bar iron is exported to other states in great quantities. The marble, which is found in great varieties, can be highly polished, and is shipped to other parts of the Union, for use in the construction of houses. Copperas, alum, nitre, and lead are found in small quantities. Saltpetre forms an article of commerce.

The first constitution of the state of Tennessee was framed in 1796, and revised in 1834. The powers of the government are vested in the legislative, executive, and judicial departments. The legislature consists of a senate and House of Representatives. The senate is composed of twenty-five members, elected for the term of two years. The house is composed of seventy-five members, elected for the term of two years. The legistature meets biennially. The executive is elected for a term of two years. The judicial powers are vested in a Supreme Court, courts of chancery, circuit courts, and such as shall be ordained by the general assembly. The judges of all the courts are elected by the people, for a term of eight years. The constitution declares, that—

"Every free white man, of the age of twenty-one years, being a citizen of the United States, and a citizen of the country wherein

he may offer his vote six months next preceding the day of the election, shall be entitled to vote for members of the general assembly, and other civil officers for the county or district in which he resides; *provided*, that no person shall be disqualified from voting in any election on account of colour, who is now, by the laws of this state, a competent witness in a court of justice against a white man. All free men of colour shall be exempt from military duty in time of peace, and also from paying a fee poll-tax."

Ohio.

This great state was a part of the north-west territory; and at the close of the revolutionary war, was held by mixed titles, all of which were cancelled by cessions to the United States' government. By the ordinance of 1787, Virginia concurring, slavery was for ever prohibited in the north-west territory. In 1802, Ohio was admitted into the Union, with an area of 39,964 square miles. The state is bounded on the north by Lake Erie, and on the south and east by the Ohio river. The lands bordering upon the lake are very level; those in the centre are sloping hills and elevated plains; and those upon the Ohio are hilly, though not mountainous. The soil is very rich and productive, especially in the valley sections bordering upon the rivers. Before the state was settled, there were extensive prairies; but they have become cultivated farms. The state is traversed by the Scioto, Muskingum, and Great Miami rivers, and by an extensive system of railways, affording greater facilities for commercial transit than are enjoyed by any other state. The products are principally wheat, rye, Indian corn, barley, oats, buckwheat, hemp, flax, tobacco, &c. Horses, mules, cattle, and swine are extensively raised, and exported. The

white and black oaks, locusts, cedars, sycamore, buckeye, pawpaw, cherry, poplar, hickory, and the various fruit trees grow in great abundance. This state has been one of the most prosperous in the Union. Not only has it attained greatness by the products of the soil, but also by the handiwork of the people.

Among the curious remains found in America, of races long since past and gone, are the ancient mounds in the west; some of which are in Ohio, near Marietta, on the banks of the Ohio and of the Muskingum. On an elevated plain, are old walls and mounds of earth in direct lines, in squares and circular forms, evidently the remains of forts. The largest contained about forty acres, encompassed by a wall of earth, from six to ten feet high; on each side were openings or gateways. Besides these, many others have been found, some of which are upon the high hills, constructed in times so far distant, that the stately oak has grown over them to gigantic proportions.

The constitution of Ohio was framed in 1802, and revised in 1851. The government is vested in the legislative, executive, and judicial departments. The legislature consists of a senate and House of Representatives, and meets biennially. The senate is composed of thirty-five members; and the house of 100. The members of both houses are elected for a term of two years. The governor and a lieutenant-governor are elected for a term of two years; the latter presides over the senate. The judicial powers are vested in a Supreme Court, Court of Common Pleas, &c. The judges are elected by the people, for a

term of five years. Every white male citizen of the United States, of the age of twenty-one years, with a residency, is a qualified voter.

Louisiana.

This state was settled, at a very early date, by the Spaniards. In 1800, Spain conveyed the province of Louisiana to France; and, in 1803, Bonaparte sold the territory to the United States for fifteen millions of dollars. A territorial government was then organised, under the laws of Congress. In 1812, the state of Louisiana was admitted into the Union, with an area of 41,255 square miles. The whole surface of this state consists of low lands, with a few hills in the west. It is estimated, that at least 4,000 square miles are subject to overflow. The Mississippi is prevented from extending the inundations, by *levées*, or artificial embankments, on the margin of the river. On the east side the *levée* commences sixty miles above New Orleans, and extends 130 miles below the city. On the west side of the river it commences 172 miles above New Orleans. Occasionally, the great floods of the river break through the embankments, and overflow the plantations for many miles above and below the *crevasse*. The lands on the sides of the river, called "the Coast," are very rich, having been formed by the annual deposit of the river, which has always a muddy appearance, on account of the great quantity of alluvial soil held in suspension by the water. The south-western part of the state consists of swamps on the margin of the gulf; but more interior are prairies, many of which are in a fine

state of cultivation. The rivers, or streams, emptying into the Mississippi from the interior, are connected with bayous and lakes in great numbers. Many of the swamps and marshes have to be drained, and *levées* constructed around them, to prevent inundation. The great floods of the Mississippi often produce overflows, many miles interior, by "back-water," filling the lakes, swamps, and bayous. The principal products of Louisiana are sugar, cotton, rice, Indian corn, potatoes, oats, rye, hay, &c. Horses, mules, cattle, sheep, and swine are raised. In the bottom lands grow the cotton-wood, willow, honey-locust, pawpaw, buckeye; and, on the uplands, the hickory, elm, ash, mulberry, walnut, sassafras, magnolia, poplar, &c. Fruit trees are thrifty.

The constitution of Louisiana was framed in January, 1812, and revised in 1852. The government is vested in the legislative, executive, and judicial departments. The legislature consists of a senate and a House of Representatives, jointly styled "the General Assembly." The senate is composed of thirty-two members, elected for a term of four years; and the house of eighty-eight members, elected for a term of two years. The legislature meets annually. The governor is elected for a term of four years. The judiciary is composed of a supreme and district courts. The chief justice, and four associate justices of the Supreme Court, are elected by the people, for a term of ten years. Every free white male citizen, of the age of twenty-one years, with a residency, is a voter.

INDIANA.

This state was originally a part of "New France;" and, after the revolution, was embraced in the "north-west territory." Fort Vincent, on the Wabash river, was taken by General Clarke, commander of the Virginia forces in the west, in 1778; and it was held, by conquest, as the property of Virginia. In 1800, Congress organised the territory of Indiana, which embraced the present states of Illinois and Indiana. Vincennes was the capital, where the territorial legislature assembled. The state of Indiana was admitted into the Union in 1816, with an area of 33,809 square miles. The face of the country is composed of hills, plains, and bottoms, the highest elevations being but a few hundred feet. The Ohio river forms its southern boundary; the Wabash its western; and Lake Michigan a part of its northern boundary. These navigable waters, in connection with the various lines of railways and canals traversing the state, afford means of carrying from and to all parts of the country. There are no mountains in Indiana, though there are a few ranges of hills bordering upon the Ohio and other rivers. Along most of the streams there are strips of rich bottom lands; and, more remote, commence the hills, and then the level plains, formerly prairies, though now well-cultivated lands, or full-grown woodlands. Next to Lake Michigan there are sandy hills, some 200 feet high, resembling the sand hillocks of Jutland. In the north-west part of the state there are many swamps, small lakes, water-prairies, and sluices. The products of the state are wheat, rye, oats,

tobacco, Indian corn, barley, buck-wheat, hemp, flax, sugar, fruits, &c. Horses, mules, cattle, swine, and sheep are exported in large quantities. Timber is abundant—of white and black oaks, walnuts, locusts, post-oak, black-jack, sassafras, poplar, sycamore, red-bud, pawpaw, cotton-wood, hickory, mulberry, buckeye, &c. Pecans, plums, and crab-apples are indigenous. The cannel coal-fields, on the Ohio river, are very productive.

The constitution of the state of Indiana was framed in June, 1829, and revised in 1851. The powers of government are vested in the legislative, executive, and judicial departments. The legislature consists of a senate and House of Representatives. The senate is composed of fifty members, elected for a term of four years; and the house, of 100 members, elected for a term of two years. The legislature meets biennially. The executive, or governor, is elected for a term of four years. A lieutenant-governor and president of the senate is elected at the same time, for a like term. The judicial powers are vested in a Supreme Court, circuit courts, and such inferior courts as may be established by the legislature. The judges of the Supreme Court and circuit courts are elected by the people, for a term of six years. Every white male citizen of the United States, of the age of twenty-one and upwards, is a qualified voter. "No negro or mulatto can have the right of suffrage." Soldiers and seamen of the United States' army or navy cannot vote.

Mississippi.

This state originally formed a part of the chartered

territories of South Carolina and Georgia, and was admitted into the Union in 1817, with an area of 47,156 square miles. De Soto, with his expedition, in search of gold, traversed this country in 1540; and La Salle descended the Mississippi in 1681, visiting the country bordering upon the river. The first settlement was made about 1698; and, after that date, various other efforts were made by the French to erect and maintain forts. They conquered the "illustrious and brave Natchez Indians," and sent them to St. Domingo as slaves. The Chocktaws, Chickasaws, and other tribes, were driven to the interior, and ultimately quieted by the purchase of their titles. There is a great diversity of soil in this state. Adjacent to the Gulf of Mexico, the country is level, covered with pine forests, cypress swamps, prairies, water-marshes, and small lakes: more northerly, the lands are undulating, and well cultivated, producing cotton, Indian corn, indigo, sugar-cane, and all kinds of fruit. The central part of the state is more elevated and hilly, with a rich soil, producing the articles just mentioned. The northern part is very hilly, and many of the ranges are covered with pine. The magnolia, pine, cypress, cotton-wood, poplar, oaks, hickory, walnut, sugar-maple, sassafras, and a variety of other trees are to be found in this state. The Yazoo, Pascagoula, Big Black, Pearl, and other navigable waters, together with the railways, facilitate the carrying of products to the markets. Horses, mules, cattle, sheep, and swine, are raised in quantities more than sufficient for domestic necessities.

The constitution of the state of Mississippi was framed

in 1817, organising a government, with legislative, executive, and judicial departments. The first consists of a senate and House of Representatives. The former is composed of thirty-three members, elected for a term of four years. In the house, there are one hundred members, elected for a term of two years. The legislature assembles biennially. The governor is elected for a term of two years. The judiciary department is composed of a high court of errors and appeals, circuit courts, and such inferior courts as may be ordained by the legislature. The judges are elected by the people. Every free white male citizen of the United States, with a residency, is a qualified voter. "No property qualification for eligibility to office, or for the right of suffrage, can ever be required by law in this state."

Illinois.

The name of this state signifies "real men;" and it applied to the character of the Indians, who dwelt upon the banks of the river bearing that name. The first settlements of the state were made by the French. The domain of Illinois was embraced in the organised Indiana territory, and was a part of the north-west territory, ceded by Virginia to the United States' government in 1784. Illinois was admitted into the Union in 1818, with an area of 55,405 square miles. The Mississippi river forms its western boundary; the Wabash and Ohio rivers its eastern; and upon its northern is Lake Michigan. Besides these, navigable waters traverse the state, north, east, and west; and along them are extensive bottom lands of alluvial soil, heavily timbered, of various widths, sometimes

extending ten or more miles from the rivers. Beyond the bottoms, there are, generally, ranges of hills sparsely covered with timber; and then commences the prairies. These vast plains are slightly undulating—covered with grass, and a great variety of wild flowers. Bordering upon the prairies are the hazel-nuts, in great abundance. These beautiful wild lands are fast becoming cultivated farms. In early times, it was the custom to burn the prairies; and the fire would spread with the fleetness of the deer—even extending into the woods, consuming the small growth and decayed trees. It was owing to this circumstance that there is but little undergrowth in the wild forests of the great west. Since the country has become more settled, the woodlands have extended; and, in another quarter of a century, the prairies will only be known in story. In the northern part of Illinois, the lands are comparatively sterile; but upon the Wabash in the east, the Mississippi in the west, and the prairies in the centre, are extremely fertile. The products of Illinois are wheat, Indian corn, rye, oats, barley, potatoes, tobacco, sugar, buck-wheat, hay, flax, hemp, &c. Horses, mules, cattle, swine, and sheep are raised in large quantities, and exported. The state is traversed by railways, and the means of commercial transit are complete. The principal city is Chicago; and with respect to the export of grain, it will, in a few years, outrival Odessa.

The coal-fields of Illinois are vast and productive. The lead mines of Galena are known throughout the world as the most profitable in yield. The lead is of superior commercial value. It has been estimated, that the Galena

mines can produce at least 150,000,000 lbs. annually for centuries to come!

The constitution of the state of Illinois was framed at Kaskaskia, August, 1818, and revised at Springfield, August, 1847. The departments of the government are the legislative, the executive, and the judicial. The first consists of a senate and House of Representatives, and they assemble biennially. The senate is composed of twenty-five members, elected for a term of four years; and the house of seventy-five members, elected for a term of two years. The governor is elected for a term of four years. The judicial powers are vested in a Supreme Court, circuit courts, and such other tribunals as shall be ordained by the legislature. The judges are elected by the people. Every white male citizen of the United States, with a residency, is a qualified voter.

ALABAMA.

This state has its southern boundary upon the Gulf of Mexico. De Soto travelled over much of this country in 1540, in search of gold. After the expedition of De Soto, no Europeans visited the country for about 150 years. The first settlement was made by the governor of Louisiana, in 1702, at the mouth of Dog River, entering Mobile Bay. In 1763, the French gave up their territory in America. The western bank of the Mississippi river passed into the hands of Spain, and Great Britain acquired the lands lying east of the Mississippi, including the whole of Florida. The territory of Alabama, as a part of the British possessions, was known under the names of West

Florida and Illinois; the lands being divided between them, in nearly equal divisions. In due time, Georgia asserted its claim to the territory of Alabama, as its chartered domain "extended to the Mississippi river, or South Sea;" and grants of lands were made by the Georgia government, and located in Alabama. These conflicting claims were ultimately set aside; and, in 1817, the whole country between Georgia and the Mississippi river was purchased by the United States, and erected into the "Mississippi Territory." The state of Alabama was taken from this territory, and admitted into the Union in 1819, with an area of 50,722 square miles. That part of the state bordering on the Gulf of Mexico is low and level, covered with pine and cypress. Beyond these flats, some fifty miles from the Gulf, the country is hilly, with an occasional prairie plateau. In the north there are mountain ranges. In the southern part of the state the soil is sandy, and, to a considerable extent, unproductive. The middle and northern sections are well cultivated. The state produces a great variety of timber, including post-oak, white and black oak, poplar, hickory, cedar, chestnut, pine, mulberry, locust, magnolia, &c. The products of the soil are wheat, rye, tobacco, sugar, oats, rice, barley, potatoes, Indian corn, cotton, &c. Fruits grow in great abundance. There is a large surplus of horses, mules, cattle, swine, and sheep raised in this state. The navigable waters and the railway afford extensive means of commercial transit; and when these facilities are completed, as at present projected, Alabama will greatly increase its exports of the products of the soil. The whole

central region of the state is underlaid with iron ore, and many of the vast beds are being profitably worked. The bituminous coal-fields are large, and fast being brought under commercial consideration.

The constitution of the state of Alabama was framed in 1819. The government is vested in the legislative, executive, and judicial departments. The first consists of a senate and House of Representatives. The former is composed of thirty-three members, each elected for a term of four years; the house of 100 members, each elected for a term of two years. The legislature meets biennially. The governor is elected for a term of two years. The judicial department is composed of a Supreme Court, circuit courts, and such inferior courts as may be established by the legislature. The judges of the Supreme Court, and chancellors, are elected by a joint vote of the two houses of the legislature, for a term of six years. The circuit judges are elected by the people, for a term of six years. Every white male citizen of the United States, with a residency, is a voter.

Maine.

This is the most eastern state of the Union; and originally belonged to Massachusetts, under royal charter. With respect to its early history, we deem it only necessary to refer to the progress of Massachusetts; though efforts were made to settle this part of America in 1607, being anterior to the landing of the pilgrims in 1620. Lord John Popham (chief-justice of England), and others, dispatched about a hundred emigrants, who landed on the

Kennebec river. A few cabins were erected and fortified; and the place was called Fort George, and, subsequently, Popham's Fort. These people had been accustomed to the mild climate of England; and being inexperienced with respect to cold regions, they did not make the necessary preparations for winter; and, during the cold season, their sufferings were very great. They provoked the Indians, and their lives were in continual jeopardy; and, during the winter, a fire consumed many of their stores. In 1608 Popham died, which had the effect of producing an abandonment of the settlement, and the return of the emigrants to England. In 1623, another effort was made to settle these lands, locating at Saco, though explorations thereabout had been made some six years previous. The lands were held in *fee*—the occupant paying nominal sums; such as "two days' work, five shillings, and one fat goose yearly." In 1630, the Plymouth council granted a patent for Lygonia, embracing about 160 square miles, and induced emigrants to settle there; but these pioneers became dissatisfied—abandoned it the next year, and returned to Massachusetts. About the same time other patents were granted, and emigration encouraged; but as the winters proved to be so very severe, the settlers made but little progress: and besides these physical hindrances, the Indians were very troublesome and dangerous.

The affairs of Maine were administered as independent until 1652, when the principal part of the people united under the jurisdiction of Massachusetts. Many difficulties transpired with respect to the administration of the public affairs in that district prior to 1691, when the people were

quieted by the charter from William and Mary, incorporating, as one jurisdiction, the territories of Maine and Massachusetts. They continued united until March 15th, 1820, when Maine was admitted into the Union, with an area of 31,766 square miles. The face of the country is hilly, and, to some extent, mountainous. The Katadin mountain is the most elevated in the state, and is about 5,335 feet high. A chain of high lands extends from the sources of the Connecticut, which divides the water-fall; and, on the east, the water runs into the Bay of Fundy. The coast is rather elevated, sterile, and subjected to but little tidal overflow. Between the Penobscot and the Kennebec rivers the land is very fertile; but, east of the Penobscot, they are sterile, except in the low lands near the streams. There is much fertile soil scattered throughout the state; and, to a considerable extent, are produced, Indian corn, rye, oats, peas, potatoes, turnips, onions, and some hemp and flax. Maine produces enormous quantities of lumber, consisting of pine, spruce, maple, beech, white and grey oak, yellow birch, &c. Apple, pear, plum, and cherry trees flourish. Horses, mules, cattle, sheep, and swine are raised in quantities sufficient for domestic purposes. Its commercial facilities are very great: besides the railways traversing the state, there are many navigable rivers, bays, and inlets. There are also many lakes and ponds in the interior. The natural wealth of this state has not yet been developed. An enormous number of sea vessels are constructed in Maine—an assortment always being on hand, awaiting purchasers.

The constitution of the state of Maine was framed in

October, 1819, and subsequently amended by the popular vote adding certain sections. The government is vested in the legislative, executive, and judicial departments. The legislative consists of a senate and House of Representatives: the former is composed of thirty-one members, each elected for a term of one year; and the house of 151 members, elected for a like term. The legislature meets annually. The executive department is vested in a governor, elected for a term of one year. A council, consisting of seven persons, is organised, to advise the governor in the executive part of the government. These counsellors are elected, for a term of one year, by the legislature, on joint ballot, in convention of senators and representatives. The judicial powers of the state are vested in a supreme judicial court, and such other courts as the legislature shall, from time to time, establish. The judges are elected by the legislature. Every male citizen of the United States, with a residency, is a voter; excepting paupers, persons under guardianship, and Indians not taxed.

Missouri.

This state was admitted into the Union in 1821, and has an area of 67,380 square miles. It was settled by the French missionaries from Canada, about 1673. In 1682, La Salle explored the Mississippi river, and the whole country adjacent, as territory of France. A line of fortifications was subsequently constructed, to protect the possessions from Spanish invasions and Indian depredations. Missouri was gradually settled, commencing with the working of its lead mines in 1720. Ste Genevieve,

situated on the Mississippi river, was founded in 1755; and St. Louis in 1764. Other settlements were made, about the same time, near the junction of the Mississippi and Missouri rivers; among which was St. Charles—now a small town, situated on the Missouri—once a rival of St. Louis. The soil of the state of Missouri is very productive. The lands of this state, between the Upper Mississippi and Missouri rivers, are bottoms and undulating prairies. In the bottoms, the soil is sometimes as much as twenty feet deep; that is to say, remove nineteen feet of earth from the surface, and the next foot of earth will be as productive of wheat, corn, &c., as can be found in any part of the world. The prairies are very extensive; frequently twenty, thirty, forty, or fifty miles in width, and one or two hundred in length. The bottom lands are heavily timbered with sycamore, walnut, beech, hickory, elm, honey-locusts, cotton-wood, pecan, white oak, red oak, pawpaw, ash, &c. The range of ridges or hills, between the bottoms and the prairies, is also heavily wooded, consisting of red and white hickory, post-oak, black-jack, white and black oak, sassafras, black locust, dog-wood, poplar, mulberry, plum, &c. Above the junction of the Missouri and Mississippi rivers, there is a vast water-prairie. During high floods it is covered with water. In dry seasons it is a marsh, with many lakes and sluices. Millions of wild geese, ducks, and other water-fowls, collect here in the summer months. South of the Missouri river the lands are not very fertile, except near St. Louis, and in the south-western part of the state. Near the Gasconade and Osage rivers there are hilly

ranges, called the Ozark Mountains, extending southward into Arkansas. The region east of the Ozarks is composed of hills and valleys, thinly covered with post-oak, black-jack, and other upland timbers. There is much rock near the surface; and, generally, the soil is very thin. The Pilot Knob and Iron Mountains, about sixty miles south-west of St. Louis, are vast elevations of iron ore; and, beyond doubt, either of these two mountains could produce iron enough for the uses of the world for the next thousand years. There are several productive lead mines; and the coal-fields in the west are beginning to be of commercial importance. The products of the state are hemp, flax, wheat, Indian corn, rye, oats, barley, buck-wheat, tobacco, castor-oil bean, &c. Horses, mules, cattle, sheep, and swine are exported in large quantities. The facilities for transit are very great, by river and by railway. The Missouri river traverses the state, emptying its muddy waters into the clear Mississippi, above St. Louis. It is about one mile wide, with an ever-changing current, difficult to navigate, and dangerous on account of snags and sawyers.

The constitution of the state of Missouri was framed in 1820, and revised in 1847. The government is vested in the legislative, executive, and judicial departments. The legislative consists of a senate and House of Representatives. The former is composed of thirty-three members, each elected for a term of four years; and the house of 100 members, elected for a term of two years. The legislature meets biennially. The governor is elected for a term of four years; a lieutenant-governor (the president of the senate) is elected

for a like term. The judicial powers are vested in a Supreme Court, circuit courts, and such others as may be organised by the legislature from time to time. The judges of the supreme and circuit courts are elected by the people, for a term of six years. Every free white male citizen of the United States, with a residency, is a voter.

Arkansas.

This state was admitted into the Union in 1836, with an area of 52,198 square miles. Its territory was originally a part of the French possessions, called Louisiana; and, in 1303, the United States purchased it from Napoleon. De Soto traversed it in 1541, with his expedition, in search of gold; he died in this country, and was buried in the Mississippi river—"thus meeting, in all his travels, with nothing so remarkable as his burial-place." Father Marquette, with other catholics, came from Canada in 1673, and visited different parts of this country. The first settlements were made about 1685, by the French. On the formation of the Missouri territorial government, the domain of this state was included within its bounds; but on the organisation of Missouri as a state, in 1821, the Arkansas territorial government was formed. The uplands of Arkansas are, generally, very fertile; but there is much that is sterile. The bottom lands, adjacent to the Mississippi river, are subject to overflow, and form an extensive, swampy, and marshy region, with many lakes; the swamps are heavily timbered with oak and cypress. The central part of Arkansas is undulating; the Ozark Mountains cross its north-west; the Black Hills rise north of the

Arkansas river; and the Washita Hills north of Washita River. The products are wheat, rye, Indian corn, buckwheat, oats, tobacco, cotton, hemp, &c. Horses, mules, cattle, swine, &c., are raised for exportation. The bituminous, cannel, and anthracite coal-fields, in the west, are extensive; the minerals are iron, lead, zinc, gypsum, and salt. Marble is found in great abundance, and of many varieties. The Mississippi, Arkansas, White, Washita, and Red rivers, afford available means of transportation; and, with the railways in progress, the carrying facilities of Arkansas will be complete.

The constitution of the state of Arkansas was framed in 1836, and amended in 1846. The government is vested in the legislative, executive, and judicial departments. The legislative consists of a senate and House of Representatives; the former is composed of twenty-five members, elected for a term of four years; and the latter of seventy-five members, elected for a term of two years. The legislature meets biennially. The governor is elected for a term of four years. The judicial powers are vested in a Supreme Court, circuit courts, and such other tribunals as the legislature may establish. The judges of the Supreme Court are elected by the legislature, by a joint vote of both houses, for a term of eight years. The judges of the circuit courts are elected by the people, for a term of four years. Every white male citizen of the United States, with a residency, is a voter.

Michigan.

This state was settled by the French fur-traders, a little

prior to 1632. In 1784, the territory of Michigan, as a part of the north-west territory, was ceded to the United States by Virginia; and the state was admitted into the Union in 1837, with an area of land amounting to 56,243 square miles; and of water, about 36,324 square miles: total jurisdictional area, 92,567 square miles. The territory of the state of Michigan is divided into two sections, commonly called the northern and southern peninsula. The former consists of mountains, lakes, plains, rivers, and forests. The natural developments comprise scenery, considered to be picturesque and sublime. The soil in the northern district is not so good as it is in the southern; but its mineral products are considerable. Its copper mines are the richest in the world. The southern peninsula consists principally of vast plains. The shores of Lake Michigan are remarkable for the shifting sand-hills, resembling those in Jutland, Denmark, and in some of the steppes of Russia. The most fertile soil is to be found in the central part of the state, upon the table-lands. Michigan is nearly surrounded with lakes—namely, the Huron, Superior, Michigan, Erie, and St. Clair: the first four contain the largest collections of fresh water on the globe. These lakes are connected by the straits of Detroit, St. Clair, Michilimackinac, and Ste Mary. The products of this state are wheat, Indian corn, barley, oats, rye, buck-wheat, hops, potatoes, hay, hemp, flax, tobacco, sugar, butter, and fruits. The raising of horses, cattle, sheep, swine, and mules, is very profitable. The water communication is remarkably complete; and, with its railways, Michigan is peculiarly blessed with means of transit.

The constitution of the state of Michigan was framed in 1835, and revised by a convention in 1850. The government is vested in the legislative, executive, and judicial departments. The legislative consists of a senate and House of Representatives: the former is composed of thirty-two members, elected for a term of two years; and the latter of eighty-one, elected for a term of two years. The legislature meets biennially. The governor, and a lieutenant-governor, are elected for a term of two years. The latter is president of the senate. The judicial department is composed of a Supreme Court, circuit courts, and such others as may be established by law. The judges of the Supreme Court are elected by the people for a term of eight years. The judges of the circuit courts are elected for a term of six years, by the voters of the respective circuits. Every white male citizen of the United States, with a residency, is a qualified voter.

Florida.

This state was admitted into the Union in 1845, with an area of 59,268 square miles. Sebastian Cabot, sailing under the English flag, discovered this land in 1497. Ponce de Leon explored the country about 1512; and, in 1528, Navarez, a Spaniard, having obtained a grant from Charles V., for "all the lands lying from the river Palms to the Cape of Florida," sailed from Cuba, with several ships and some 400 men, to take possession of the country; but the expedition was unfortunate—nearly the whole were lost. In 1539, De Soto, who had served under the intrepid Pizarro, sailed from Cuba, of which he was then governor,

on his memorable expedition in search of gold, and landed upon the western shore of Florida. In 1763, Florida was ceded to Great Britain, in exchange for Havana; and, by the treaty of Paris (1783), it was surrendered to Spain. The territory of Florida was considered as indispensable property for the United States; and, in 1819, a treaty of cession was signed between Spain and the United States, the latter giving the former a consideration of five millions of dollars, which were to be distributed among the citizens of the United States, as an indemnity due from Spain for spoliation on American commerce. The surface of Florida is generally level. The southern part is called the *Everglades*, and is principally covered with water. A great part of the state consists of swamps, pine barrens, and sandy plains, with very poor soil. Some of the barrens, however, are covered with grass suitable for grazing. There is much pine, hickory, live oak, and other timbers of great commercial value; and, besides, there are the magnolia, cedar, chestnut, and cypress trees. The fig, pomegranate, orange, and date, are fruits of this state. Cotton is the principal product. The carrying is by steamboats and sailing-vessels. The railways will soon unite all parts of the state, and give an increased impetus to trade and commerce.

The constitution of Florida was framed in 1838. The government consists of the legislative, executive, and judicial departments. The first consists of a senate and House of Representatives: the senate, at present, is composed of nineteen members, elected for a term of two years; and the house of forty members, elected for a

term of one year. The legislature meets biennially. The governor is elected for a term of four years. The judicial powers are vested in a Supreme Court, circuit courts, and such others as may be organised by law. The judges of the supreme and circuit courts are elected by the people, for a term of six years. Every free white male, of the age of twenty-one, and upwards, a citizen of the United States, with a residency, is a qualified voter; soldiers and marines of the army and navy excepted.

Texas.

This state was admitted into the Union in 1845, with an area of 237,505 square miles. La Salle was the first to explore the country, in 1685, by entering the Matagorda bay. He then made a long journey interior, intending to reach the Mississippi river; and, ultimately, the Illinois country; but in this he failed. In 1689, Spain sent an expedition, under the command of De Leon, who took possession of the country in the name of his sovereign. The right of territory was, for a long time, disputed between Spain and France. In 1762, France ceded Louisiana to Spain, which perfected the Spanish title to Texas. In 1800, Spain retroceded Louisiana to France. In 1803, the same territory was sold to the United States; and, subsequently, the river Sabine was established as the western boundary. Prior to this purchase, the western boundary of the United States was the Mississippi river. The Louisiana territory was the whole country west of the Mississippi, from the Gulf of Mexico to the British possessions, with an undefined western

boundary. In 1812, an attempt was made to establish an independent republican government for the territory between the Sabine and the Rio Grande; but the effort was unsuccessful. There were several other attempts to establish a republican government; but the Mexican forces were too powerful, and defeated the revolutionists. In 1835, the people of Texas declared themselves independent, and prepared for the issue. Santa Anna was president of Mexico, and he hastened with his army to the scene of revolt. He succeeded in conquering several hundred of the Texan forces, all of whom were massacred; but, in the battle of San Jacinto, which was fought on the 21st of April, 1836, General Houston, commander of the Texans, was successful: this triumph secured the independence of Texas, though the contest continued for several years afterwards. The republic of Texas was still prosperous, under the administration of brave and practical men as presidents. Its glory continued untarnished; and, in 1845, by concurrent acts of the Congress of the United States and of Texas, the state was admitted into the Union; and the lone star, full of brilliancy, was added to the American galaxy. Mexico was provoked at this act, as it perpetuated the separation of Texas from its vast domain. The Mexican army invaded Texas as an act of war against the United States. The American forces, in that war, won many battles, and succeeded in penetrating to the capital of Mexico. A treaty of peace was then made, which secured to the United States the perfect title to all California, and the intermediate territory lying west of the Louisiana purchase of 1803. The face of the country of

Texas is very level, and is considered to be a slope from the interior mountains to the Gulf coast. It is watered by several rivers. The lands lying within about one hundred miles of the coast are very rich alluvial, and susceptible of productive cultivation. Woodlands are heavy near to the rivers, though there are but few swamps. More interior there are upland prairies, with occasional groves of timber, commonly called "islands of timber." This land is used for grazing; and it produces cotton, tobacco, wheat, Indian corn, rye, rice, and all kinds of grain. The mountain regions are traversed by the most desperate, treacherous, and bloodthirsty savages. The vast prairies, with the occasional woodlands, have been considered the most beautiful and cheerful scenery in the New World.

The constitution of the state of Texas was framed in 1845. The government is vested in the legislative, executive, and judicial departments. The first consists of a senate and House of Representatives. The senate is composed of not less than nineteen, nor more than thirty-three members, as may be determined by the legislature—each elected for a term of four years; and the house is composed of not less than forty-five, nor more than ninety members, as may be determined by the legislature from time to time—each elected for a term of two years. The legislature meets biennially. The governor is elected for a term of two years. The judicial powers are vested in a Supreme Court, district courts, and such other courts as may be established by law. The judges of the supreme and district courts are elected by the people for a term of

six years. Every free male citizen of the United States, who shall have attained the age of twenty-one, with a residency, is a qualified voter; excepting Indians not taxed; Africans, and descendants of Africans.

Wisconsin.

The name of this state means, the "gathering of the waters." It was a part of the north-west territory; and was embraced within the early French settlements. In 1848, Wisconsin was admitted into the Union, with an area of 53,924 square miles. The fur-traders visited it in 1659 from Quebec, accompanied with some 300 Algonquins. The Roman catholic missionaries proceeded at once to teach the Indians civilisation and religious ideas: the sufferings of these Jesuits were very great, many of whom untimely perished. The most extensive explorer of these regions was Father Marquette, who, with Joliet, discovered the Upper Mississippi, and descended it as far as the mouth of the Arkansas. In 1763, at the treaty of Paris, the territory of the state of Wisconsin, then called New France, was ceded to Great Britain. At the treaty of peace, in 1783, it was claimed by the United States on account of the conquests of General Clarke, the commander of the Virginia forces in the west. In 1784, Virginia ceded it, as a part of the north-west territory, to the United States; and, in 1787, the north-west territorial government was organised, embracing Wisconsin within its jurisdiction. As a territorial government it continued—but under different names, and within different boundaries, until the organisation of the state in 1845. The face of

the country is level: there are rolling prairies, with a dividing ridge, which causes the waters, on the one side, to flow into the lakes, and, on the other, into the Mississippi river. The prairies are small, and are divided by strips of woodlands. The soil is generally very rich and productive. The northern sections produce great quantities of pine. The staples are wheat, Indian corn, oats, potatoes, and live-stock. Copper, lead, zinc, and iron ore, are found in different parts of the state; and it is believed that its greatest wealth lies beneath the surface. Lake Michigan, upon the east, and Lake Superior upon the north, afford facilities of shipping to the eastern states.

The constitution of Wisconsin was framed in 1848. It organises a government, consisting of legislative, executive, and judicial departments. The first consists of two branches—the senate and House of Representatives. The senate is composed of thirty members, elected for two years; and the house of ninety-seven members, elected annually. The legislature meets annually. The governor is elected for a term of two years. The judicial power of the state, as to matters of law and equity, are vested in a Supreme Court, circuit courts, county courts, and justices of the peace. The judges of the supreme and circuit courts are elected by the people for a term of six years. Justices of the peace are elected for a term of two years.

"Every male person, of the age of twenty-one years or upwards, belonging to either of the following classes, who shall have resided in the state for one year next preceding any election, shall be deemed a qualified elector at such election:—1st. White citizens of the United States. 2nd. White persons of foreign birth, who shall have declared their intention to become citizens, conformably to the laws of the United States on the subject of naturalisation.

3rd. Persons of Indian blood, who have once been declared by law of Congress to be citizens of the United States, any subsequent law of Congress to the contrary notwithstanding. 4th. Civilised persons of Indian descent, not members of any tribe. *Provided*, that the legislature may, at any time, extend by law the right of suffrage to persons not herein enumerated; but no such law shall be enforced until the same shall have been submitted to a vote of the people at a general election, and approved by a majority of all the votes cast at such election."

Iowa.

This state was admitted into the Union in 1846, with an area of 50,914 square miles. It lies north of the state of Missouri, and west of the Mississippi river, and was originally a part of the French province of Louisiana. The Indian titles were purchased by the United States; and, about 1832, hardy and enterprising pioneers began to settle the territory. The face of the country is undulating or rolling—mostly prairies skirted with woodlands. A slight elevation, extending through the middle of the state, divides the water-fall between the Mississippi and the Missouri rivers. Near the rivers and creeks are the bottom lands, with heavy timber; but beyond are the prairies, extending many miles, covered with thrifty grass and wild flowers. Occasionally groves of trees are seen in the far distance; which, to the traveller, are as cheering as the sight of the distant isle is to the mariner at sea. In summer, the prairies are most beautiful; but in winter they are the most desolate regions of the American continent. Covered with snow, there is nothing to be seen but the vast and boundless plains mantled in white. In the Russian steppes, there are occasionally groves of pines, which give some indica-

tions of life; and in Iceland, the desolate plains are relieved by the mountains of lava: but, in America, the prairies are so level and so extensive, that sometimes, in winter, there is nothing to be seen but the glittering snow; and, in the stillness of night, the stoutest heart yields to reflection on the general solitude.

The products of Iowa are wheat, Indian corn, rye, oats, barley, potatoes, hemp, flax, hay, &c. Horses, cattle, mules, swine, and sheep are raised for exportation. The timbers are walnut, white oak, black oak, sycamore, post-oak, black-jack, hickory, elm, &c. The minerals are lead, iron, zinc, copper, and coal.

The constitution of Iowa was framed prior to the admission of the state into the Union in 1846, and revised in 1857. The government is vested in the legislative, executive, and judicial departments. The legislative consists of two branches—the senate and House of Representatives. The members of the senate cannot exceed fifty, and are elected for a term of four years. The members of the house cannot exceed one hundred, and are elected for a term of two years. The legislature meets biennially. The governor and lieutenant-governor are elected for a term of two years. The judicial powers are vested in a Supreme Court, district courts, and such other courts as may be established by law. Judges of the Supreme Court are elected for a term of six years. District court judges are elected for a term of four years. Every white male citizen of the United States, with a residency, is a qualified voter. In 1857, the popular vote was cast against striking out the word "white," with respect to the qualification of voters.

California.

This state was admitted into the Union in 1850, with an area of 188,981 square miles. It was discovered in 1548, by Cabrillo, a Spanish navigator. The Roman catholics extended their missions over the country at an early date; but their policy discouraged emigration. At the treaty of peace between the United States and Mexico, in 1848, at Guadalupe Hidalgo, the whole of the California and Mexican possessions, north of the Gila river, became the property of the United States. The pen cannot describe the physical developments of this country. The mountains are stupendous, and the valleys are of great depth; the principal of the former is the Sierra Nevada, or Snowy Mountain. "The Sierra Nevada is a part of the great mountain range, which, under different names, extends from the peninsula of California to Russian America. There are many peaks, rising, like pyramids, from heavily timbered plateaux, to the height of 14,000 and 17,000 feet above the ocean, and covered with perpetual snow." West of the mountains, are the inhabited regions in the fertile valleys. East of Sierra Nevada the climate is very cold, and nearly the whole country is barren. From the margin of the Pacific Ocean, there is a slope to the base of a mountain range. Eastward of this mountain there is a great valley; and then, further eastward, is another range of mountains, but more stupendous than the former. There are two seasons in California—the rainy and the dry; the former extending from the 1st of April to the 1st of November. During the rainy season, there are

intervals of fine weather, when farmers have opportunities to cultivate the soil. "The mining interests of California are vast and inexhaustible. The state abounds in mineral wealth, in great varieties; and there is no knowing to what extent these riches may be developed. From 1849 to 1860, it has been estimated, that gold, to the value of six hundred million dollars, has been taken from the mines of California." The valleys are very productive; though, in many parts, irrigation is necessary. Labour is principally devoted to mining; but the number of persons engaged in agricultural pursuits is rapidly increasing; and it is confidently believed that California will produce all the grain and live-stock necessary for its future wants. Various species of timber grow in California. In the Sierra Nevada mountain, there is a grove of very large trees—each of gigantic proportions. They occupy a level plateau 4,500 feet above the sea. These trees are evergreen, and the foliage is of a deep hue. The bark is porous; and on some of them it is two feet thick. Many of these trees are estimated to be at least 6,400 years old. One of them was felled in 1853, which measured some seven feet above the earth, thirty feet in diameter, and ninety feet in circumference. One of the natural wonders of this state is the Yo-hamite, a vast gorge or cañon in the Sierra; through which flows the Merced, which rises high up in the mountains. This cañon has a perpendicular wall of granite, nearly 5,000 feet high. It is a chasm, not quite ten miles long—less than a mile wide, and narrowing at either end, with walls of naked and perpendicular white granite. The bottom is covered

with grass. There is a stream of water which falls over the ledge, 1,800 feet at one plunge; then taking a second plunge, 400 feet; and then another, 600 feet—making an aggregate of 2,800 feet descent. The Merced river flows through the cañon, with its banks covered with evergreen and wild flowers. "With the two points of egress guarded, no human being, once placed within its rocky mountain walls, could ever escape." It is an Almannagjá, more stupendous than those produced by the volcanic burstings of the earth's crust in Iceland.

The constitution of California was adopted on the admission of the state into the Union in 1850, organising a government, with legislative, executive, and judicial departments. The legislative consists of two branches—the senate and assembly. The senate is to be composed of not less than ten, nor more than forty members; to be regulated, from time to time, according to population. The assembly is to contain not less than thirty, nor more than eighty members. The senators are elected for two years; and members of the assembly for one year. The legislature meets annually. The governor is elected for a term of two years. The judicial powers are vested in a Supreme Court, district courts, and such other tribunals as may be established by law. The judges of the Supreme Court, and district courts, are elected by the people, for a term of six years. Every white male citizen of the United States, of the age of twenty-one, with a residency, is a qualified voter.

Minnesota.

This state was admitted into the Union in 1858, with an area of 95,274 square miles. The meaning of the word Minnesota, is "sky-tinted water." In 1679, Father Hennepin, a friar, explored a part of the country, and was the first white man who ascended the Mississippi river, above the Falls of St. Anthony. In 1689, Perrot and others took formal possession of Minnesota, in the name of the French king, and built a fort on the west shore of Lake Pepin. Le Suer, in 1695, constructed a second fort on an island below the St. Croix. During the next century the country was visited by the French fur-traders; and, later, by the British. The lands lying east of the Mississippi river, in Minnesota, were included in the Indiana territory of 1800; and those lying west of the river were embraced in the Louisiana purchase of 1803. The first settlements were made by Swiss emigrants from the colony of Lord Selkirk, in the valley of the Red river; who, in the years 1837 and 1838, opened farms on the site of St. Paul. The state occupies an elevated plateau; and in it rises the three great rivers of the continent. There is a central ridge running through the state; and the waters flow on the one side to the Mississippi river; and on the other, to the Red river, and Lake Superior. The state is traversed by several navigable rivers. The products are hemp, wheat, rye, oats, Indian corn, barley, potatoes, hay, &c. Horses, mules, cattle, and swine are raised at a nominal expense, equal to the wants of the state. The minerals of

Minnesota are iron and copper; the latter is found in massive purity.

The constitution of Minnesota was adopted prior to its admission into the Union in 1858. The government is vested in legislative, executive, and judicial departments; the first consists of a senate and House of Representatives. The senate is composed of twenty-one members, elected for a term of two years; and the house of forty-two members, elected for a term of one year. The legislature meets annually. The governor and lieutenant-governor are elected for a term of two years. The judicial powers are vested in a Supreme Court, district courts, courts of probate, justices of the peace, and such others as may be organised by law. The judges of the Supreme Court and district courts are elected by the people, for a term of seven years. Judges of probate courts, and justices of the peace, are elected for a term of two years. The constitution declares, that—

"Every male person, of the age of twenty-one years or upwards, belonging to either of the following classes," with a residency, are qualified voters; namely—"1st. White citizens of the United States. 2nd. White persons, of foreign birth, who shall have declared their intention to become citizens, conformably to the laws of the United States upon the subject of naturalisation. 3rd. Persons of mixed, white, and Indian blood, who have adopted the customs and habits of civilisation. 4th. Persons of Indian blood, residing in this state, who have adopted the language, customs, and habits of civilisation, after an examination before any district court of the state, in such manner as may be provided by law, and shall have been pronounced by said court capable of enjoying the rights of citizenship within the state."

Oregon.

This state was admitted into the Union in 1859, with an area of 102,606 square miles. The Pacific Ocean lies upon its east, California upon its south, and Washington territory upon its north. The settlements in Oregon are but recent, only extending back to the beginning of the present century; the first being on Lewis River, a branch of the Columbia. Oregon territory was organised in 1848, including the present territory of Washington, with an aggregate of some 250,000 square miles.

The Sierra Nevada range of mountains extends through Oregon: though north of California, it is called the Cascade range of mountains. Between this range and the Pacific, there is a strip of land about 120 miles wide, which is very fertile. Along the streams there is but little timber. The bottoms are covered with a very rich loam, producing indigenous grasses and flower-plants. In some parts of the country there are marshes and water-prairies: the waters are frequently connected by sluices or bayous. In West Oregon, wheat, rye, barley, potatoes, and domestic animals thrive. The timbers are pine, cedar, spruce, fir, and hemlock. The oak and ash are rare. The giant pines of Oregon are often found to measure twenty feet in diameter some ten feet above the earth. There are gold mines along the Pacific coast, and in Rogue Valley. The wealth of Oregon remains to be developed in the future.

The constitution of the state of Oregon was adopted prior to its admission into the Union in 1859. Its government is vested in legislative, executive, and judicial

departments. The legislative consists of two branches—the senate and House of Representatives. The senate is composed of sixteen members, elected for a term of four years; and the house of thirty-four members, elected for a term of two years. The legislature meets biennially. The governor is elected for a term of four years. The judicial powers are vested in a Supreme Court, circuit courts, probate courts, and such others as may be established by law. The same judges preside over the supreme and circuit courts; and are elected by the people, for a term of six years. Every white male citizen of the United States, with a residency, and twenty-one years of age, is a qualified voter. "No negro, Chinaman, or mulatto, can have the right of suffrage."

Kansas.

This state was admitted into the Union in 1861, with an area of 78,418 square miles. It lies west of the Missouri river, and was included within the limits of the "Indian Territory" prior to 1854. The organisation of the Kansas territorial government, and the efforts to establish a state, produced among the people of the whole Union a great sensation. It was a question of extension or non-extension of slave territory. The contest was not only in the Houses of Congress, but it was with the whole nation, and particularly within the borders of Kansas. Unauthorised bodies of men, bearing arms, endeavoured to enforce their peculiar doctrines of government—each calling the other "border ruffians." There were frequent deadly conflicts; and each accused the other of staining

the early annals of Kansas by the commission of murder and rapine. On the admission of the state of Missouri into the Union, it was agreed, in Congress, that there should never be any more slave territory north of lat. 36° 30′. Kansas was north of that compromise line; and the Kansas-Nebraska Bill, that passed Congress in 1854, abolished the limitation, and left the question of slavery to be decided by the people residing in the territory at the time of admission into the Union. On the adoption of the constitution, the people decided against slavery; and Kansas was admitted into the Union as a free state. Its domain is remarkably fertile, and easily cultivated. It consists of rolling prairies; and there is but little timber. Along the streams there is some cotton-wood, sycamore, and willow. On the ridges, post-oak and black-jack are common, though of stunted growth, on account of prairie fires. All kinds of grain can be produced in abundance; and horses, mules, and cattle raised with but little expense.

The constitution of Kansas was adopted prior to its admission into the Union in 1861. The powers of government are vested in legislative, executive, and judicial departments. The legislative is divided into two branches —the senate and House of Representatives. The number of senators and representatives depends upon population. The governor and all the officers of the state are elected by the people.

Territories.

The territories of the United States' domain cover vast,

and, to a considerable extent, unexplored regions. We cannot do more, at the present time, than very briefly notice them. Washington Territory lies north, on the Pacific Ocean; and its topography is very much like that of Oregon: its area is about 176,141 square miles. Utah Territory lies within the Rocky Mountain range, and has an area of 128,835 square miles. New Mexico Territory lies south of Utah, and has an area of 243,063 square miles. Nevada Territory lies west of Utah, and has an area of about 45,812 square miles. Arizona lies south of New Mexico, and north of Mexico, and has an area of about 31,000 square miles. Indian Territory, occupied by civilised Indian tribes, lies west of Arkansas, and has an area of 71,127 square miles. Nebraska Territory lies west of Iowa, and has about 122,007 square miles. Colorado Territory lies west of Kansas, and has an area of 105,818 square miles. Dacotah Territory lies west of Minnesota, and has an area of 318,128 square miles. The aggregate area of these nine territories is about 1,241,931 square miles. The topography of the land is of every variety. There are perpetually ice-clad mountains, green valleys, prairies, river bottoms, desert plains, forests, marshes, &c. Portions of these territories remain unexplored by civilised man, though the savage tribes roam over nearly the whole of them. The natural wonders of this immense region cannot be described in this work; the sublimity of many of them can only be appreciated by actual observation; the pen cannot do them justice. Explorers have found, between the Rocky Mountains and California, numerous fissures in the rock-crust of the earth. Some of them have

perpendicular sides several hundred feet deep, and but a few feet wide. Some are entirely inaccessible, having neither outlet nor inlet; deep, gloomy cracks descending into the bowels of the earth to an unfathomable depth, even below the bed of the Pacific Ocean. The bottoms are beyond sight; and the echo from the falling stone, fades away before it reaches the ear. In others, the meandering streams are seen thousands of feet below. The cañon of Rio Colorado has been ascertained to be 11,000 feet deep!

The "government" of a territory is created by an act of Congress; and is subordinate to the federal government. As the population of the United States has expanded, new territories have been formed; and then, within a few years after, a new, independent, and sovereign state is admitted into the Union. We will illustrate the case by taking Kansas and Nebraska as examples. In 1854, the Congress of the United States passed a law, permitting the settlement and organisation of these territories, which, up to that time, were occupied by the Indians. The president, immediately thereafter, appointed the governor, secretary, judges, and marshal for each of them. The people rapidly settled on the lands, and established towns. A territorial legislature was organised in each, for the enactment of local laws, conformably to the acts of Congress. When the population of Kansas equalled in number the congressional apportionment (93,423), the people applied to Congress for admission of that territory into the Union as a sovereign and independent state. It was agreed to by Congress (1861); then the new state was organised under its constitution, and elected its national senators and representatives.

While under a territorial government, Kansas had a delegate in Congress, through courtesy; but he had not the privilege of voting. He could speak, and take part in all other proceedings. Nebraska, organised at the same time (1854), continues under a territorial government, the same as New Mexico, Washington, Utah, &c. There is no minimum population required by law, to entitle a territory to be admitted into the Union; nor for the organisation of a territorial government. The necessities of the inhabitants, and the public good, are the considerations with Congress. Oregon was admitted in 1859, with but 52,464. New Mexico has 93,541, and Utah has 40,295 inhabitants; both of which are under territorial governments, and each has a delegate in Congress. When a new state is admitted into the Union, the president's power over that jurisdiction ceases; his governor, judges, and other officers retire, and new officials are elected by the people. Like the youth, in minority he is under his guardian; but on arriving at his majority, he becomes the master of his own destiny.

The Indian territory is under the government of Indian tribes. They have their own legislature; enact all needful municipal laws, and enforce them through their own administrative officials. Their laws are monuments of enlightenment, humanity, and philanthropy.

District of Columbia.

This district is situated on the north bank of the Potomac river, and is under the jurisdiction of Congress. The constitution authorises Congress to exercise legislation

over a district of territory not exceeding ten miles square. When it was determined to locate, permanently, the seat of government on the banks of the Potomac, the states of Maryland and Virginia authorised a cession of territory for the purposes of the federal government. In 1788, the state of Maryland passed an act to cede to the government a district of land, ten miles square. In 1789, the state of Virginia passed a similar act. In 1790, Congress accepted of these cessions, and a district was laid out, taking about half from Maryland and about half from Virginia—the lines crossing the Potomac river, so as to include Alexandria in the district. The seat of government was named after WASHINGTON; and the territory, the DISTRICT OF COLUMBIA.

The government of the District of Columbia is vested in the Congress of the United States. The charter for the city of Washington permits municipal administration; but Congress is the sole legislative tribunal for the district: the president is the executive; and the judiciary powers are vested in courts established by Congress. The Supreme Court of the United States sits in Washington; but, for the district, there are distinct courts for the trial of all cases of common law and equity; and besides, there is a district federal court. The judges of all these courts are appointed by the president.

CHAPTER III.

The Climate of the States; Sleets in the Mississippi Valley; Tornadoes and Hurricanes; Health in the Southern States; Longevity of the White and Negro Races.

In the United States there is a greater variety of climate than is to be found in any other equal divisional area of the earth's surface. In general it is salubrious, though at times of extreme heat or cold. The states occupy a wide belt between the torrid zone and the Arctic regions—sufficiently distant from each, however, as not to be within the oppressive heat of the former, and the frosts of the latter. The climate of this great belt between the Atlantic and Pacific, is varied; that is to say, on any given line of latitude—for example, 36° 30′—between the oceans, the degrees of heat and cold are not the same. On the Atlantic coast there is one variety; within the Appalachian mountain range, it is much colder; in the Mississippi valley it is more mild; directly east of the Rocky Mountains, the degree of frost is greater; between the Rocky Mountains and the Sierra Nevada, the winters are very severe; and upon the Pacific coast, there is less cold than occurs in either of the other divisions. These different climatical zones differ one from the other. This line of latitude traverses regions, some of continual green, and others of perpetual snow.

In the states north and east of the Hudson river, the

winters are severe; and in summer there are days of excessive heat. In Boston, and in other parts of the New England states, the thermometer, in winter, frequently ranges between 30° and 40° below zero; and, in summer, between 90° and 100° above zero, in the shade. Sometimes the changes are very sudden, especially upon the coast. The snows are frequent; occasionally the fall reaches twenty inches per day; and when with wind, the drifting is very great, filling up the valleys, railway cuts, and ordinary highways; many times interrupting travel for two and three days. The frost commences early in the autumn, and continues until late in spring. On account of the shortness of summer, and the general sterility of the soil, the northern states produce but limited quantities of agricultural commodities, though the farming in those states is conducted upon the most economical principles. The larger proportion of the inhabitants is engaged in manufactures; and the surplus population, which cannot find employment in any of the industrial pursuits common to those states, migrate to the great west; and hence the decennial census does not show the natural increase of their inhabitants. Along the coast, the east winds are very cold and damp, producing pneumonia and other pulmonary diseases. The people are exceedingly industrious, and their longevity is frequently determined by the degree of their physical exertion. The ice forms upon the lakes and rivers, some twenty inches thick; and it has become a commercial commodity. New England lies in the same latitudes as Spain and Italy, and yet there is a greater degree of cold in these American

states, on an average, than occurs at Julianshaab, South Greenland, or at Reikiavik, in Iceland.

The states of New York, New Jersey, and Pennsylvania, have two kinds of climate. Near to the sea it is milder than in the interior, within the mountain ranges. The gulf stream has an influence in tempering the air of those parts of the state lying near the sea; though, at times, there are days of excessive cold, even in New York city, when the mercury descends to some 38° below zero. In the mountains, the snows are frequent, and very deep, often interrupting the railway communication with the great mails. The states of Delaware and Maryland have a still more moderate climate; and even in that part of Maryland lying within the Alleghany Mountains, the cold is not so great as in New England. Upon these Alpine-like summits, the snows are frequent, and the winter's blast most terrible; yet, as to cold, they are more than equalled on the plains of the northern states. In summer, there are times, of several consecutive days, when the heat is so great, that the pavements are too hot to be borne by the naked feet of those who prefer to dispense with shoes.

In the latitude of Maryland and Virginia, westward of the Appalachian chain of mountains, the summers are very hot, and the droughts are greater than occur within the limits of the coast states. Very often, for several consecutive days, the thermometer remains between 90° and 100° in the shade; and the only covering required in bed, at night, is a linen sheet. The winters are not very severe, compared with the climate of the northern states. The snow lies upon the ground but a few days, and there

are many winters that do not afford the necessary ice for domestic consumption; and that commodity has to be imported from the northern states. The Ohio river, however, occasionally freezes at Pittsburg; and there are seasons—perhaps once in a quarter of a century—when the river at Cincinnati freezes over. At Louisville, a thin ice-crust has sometimes formed across the river; but these are the incidents of severe and uncommon winters. In the regions of Kentucky, Tennessee, Arkansas, and South Missouri, the snows are less frequent, and the climate is much milder than that of the north-western states. In Tennessee and South Arkansas the grass is green during the whole winter. In these states the snow lies upon the ground but a few hours; it is dissolved either by the sun or the warm rains. Sleets are common in Tennessee, Kentucky, South Missouri, North Arkansas, and the southern parts of Ohio, Indiana, and Illinois. The rain is precipitated from the warmer stratas of air above; and, falling upon the trees and the earth, where the air is colder, ice is formed around every twig and blade of grass; and the earth is crusted with a coating of ice, averaging from a quarter to half an inch in thickness. A woodland thus covered with sleet, in the sunshine, is a most beautiful sight. All nature appears to be clad with diamonds! The countless icy prisms reflect the sun's rays, and scatter their rainbow hues in every direction, enrobing nature with a mantle of the most singular beauty. Some foreign writers have stated, that the cold is "so severe at St. Louis, that the Mississippi river is sometimes capable of being crossed on the ice for eight weeks together,"

with waggons heavily laden. They fail to explain how the river becomes bridged with ice. Strictly speaking, the river at St. Louis was never frozen over; nor is it possible; for the degree of cold is not sufficient to freeze over that most rapid and turbulent of all rivers. The confluence of the Mississippi and Missouri rivers is some twenty miles above St. Louis; and the latter river, particularly, brings down from its tributaries immense quantities of ice in "cakes," each some five or ten feet across, and some from ten to twenty inches thick. Sometimes these detached pieces freeze together, and descend in cakes, an acre in size. The floating ice is often so thick that the water of the river cannot be seen. During warm days it softens, and becomes, as technically called, "rotten;" and the pieces, crushing one against the other, break into small fragments. Three or four days of cold weather will harden the floating ice. At narrow places of the river it "jams" together, and forms what is called a "gorge." Below the "gorge" the river soon becomes free of floating ice; and, above it, the cakes *pack* together for many miles. Thus lying together, the cold soon unites them. As the cakes descend with the rapid current, they strike against the "gorge," and are either forced upon or beneath the stationary ice: those running under are caught by subtending pieces; and, in a few days, the bridge of ice is some five or more feet elevated above the water-level: it becomes buoyed by the under-cakes. In this manner "gorges," and the bridges at St. Louis, are formed. The axemen then proceed to level the ice, by cutting off the projecting edges of the cakes, crushed to perpendicular

positions. When thus prepared, the highway is opened, and the largest waggons, containing twenty tons burden, or even more, and drawn by the largest horses, cross and recross with perfect safety, for several consecutive weeks.

Within the regions of the junction of the Ohio and the Mississippi rivers, there are, occasionally, tornadoes, which are very destructive to the houses and farms. They demolish the most substantial buildings, and twist from the earth the largest trees—not sparing the stately oak, though it be two or three feet in diameter at base. These tornadoes are composed of a series of whirlwinds. The hurricane is not so destructive, as the wind blows in a right line. The tornado lifts a house from its base, and scatters its fragments in every direction; some of which we have seen carried at least seven miles: but the hurricane levels it to the earth, as though it had been pushed over. It has been stated, that, "although the summers over the Mississippi valley must be admitted to be hot, yet the exemptions of the country from mountains and other impediments to the free course of the winds, and the circumstance that the greater proportion of the country has a surface bare of forests, together, probably, with other unexplained atmospheric agents, concur to create, during the sultry months, almost a constant breeze: it then happens that the air on the wide prairies is rendered fresh, and the heats are tempered in the same manner as is felt on the ocean." The thunder-storms of the valley are the most remarkable natural phenomena of the country. Even those persons who fear the lightning, are forced to admire the sublimity of this electric manifestation.

During some nights, the heavens are brilliantly illuminated by flash after flash, extending from the horizon to the zenith. On the lower Mississippi there are many lakes, bayous and swamps. The summers are very hôt, and the winters are mild: the ground is seldom covered with snow; and whenever the white fleecy flakes happen to reach the earth, they disappear within a few hours. In the south-western states vegetation grows very rapidly, and Indian corn attains a height of eight feet, within ninety days from sprouting. Two crops of hay are frequently gathered within the same season.

The climate of the states of Virginia and North Carolina, is the most uniform of all the United States; and it is neither excessively hot nor cold. The mountains are covered with deep snows; and their white-crested peaks present an Alpine appearance; but, in the valleys and on the coast plains, there is verdure throughout the winter. Those states lying upon the Gulf of Mexico have a much greater degree of heat in the sun; but at night, the cool breeze from the sea, with its dews, refreshes all nature. Festoons of long moss hang from the trees; thus nature, with a mantle of singular growth, darkens the forest. These long grey tresses, like the weeping willow, create in the heart sad and lonely thoughts. The palmetto, however, gives to the low alluvial grounds a grand and striking verdure. The laurel trees, upon the mountain sides, retain their green foliage through the winter. Snow is to be seen only as falling flakes, and the streams are never frozen. Ice, for domestic consumption, is brought from New England. The peach trees are in blossom and foliage early in Feb-

ruary; and the bloom of the magnolia scents the air with sweet perfumes, early in spring. In April, the wild rose and other flowers beautify the fence-sides and the margins of the many little streams, and scatter their fragrance with every breeze. At night the dews are heavy, penetrating into every pore of vegetation. If a cloth be hung out at night, in the morning the water will be seen dripping from it. The heat of the day is not greater than is common in the Mississippi valley; but the verdure of the country is greater, owing to the heavy dews, and its proximity to the sea. The gulf stream sweeps along the coast, and the winds carry off its immense evaporation to land. During the night, the cold winds from the mountain ranges, cause the particles of water held in suspension by the air, to be precipitated in the form of dew; or, in other words, a slow penetrating shower of rain, irrigating the land, and nourishing vegetation. These dews produce the superior quality of cotton grown in the gulf states; and the southern planters are firm in the faith, that a like quality of that product cannot be cultivated elsewhere. It is true there is only one gulf stream; and it would seem that nature has given to these regions advantages that cannot be realised in any other part of the world for the production of that most essential fibre. With respect to the health of the southern seaboard states, we deem it only necessary to say, that, with like precautions, they are as favourable as the other sections of the country. Each division of the United States has some peculiar disease, more common than others; but the medical practitioner can administer the antidote. Fevers

are common, especially with persons not acclimated. Until the system becomes accustomed to the various conditions of the climate, there is considerable danger of being attacked by fevers, some of which are very malignant. Persons reared in the northern states are liable to these fevers, if they live in the gulf states a few weeks. The chills, or ague fevers, prevail throughout the southern and south-western states. The malignant and fatal typhoid and typhus fevers are frequently the sequence of the ordinary chills. Some writers have assumed that the white race cannot live in the southern or gulf states, and enjoy the same degree of health as experienced by the negro. We think this is an error. Acclimatisation is necessary, whether in the north, south, east, or west, for both races; and whatever difference there may be in the southern states, with respect to longevity of the white and black races, in favour of the latter; it is, in our opinion, owing to the greater uniformity of habits and diet, and of the more moderate employment of mental and physical energy.

The slave, or negro-man, lives a quiet life. His mind and body are not over-tasked. His future, in this world, concerns him not, for his owner must provide for him, whether in health or sickness. If he become lame, halt, or blind, his food and raiment must be supplied to him by his master. If the blast of winter, or the drought of summer, lay waste the grain-field, although he may regret his master's loss, yet his mind is not taxed for the future. He is not overworked, because the owner cannot afford to hazard the health and life of his property. For

these reasons the negro, seemingly at least, realises better health, and a greater longevity, in the seaboard states, than fall to the lot of the white race.

On the Pacific the climate is mild and healthy, especially between the Coast mountains and the Sierra Nevada. In some of the valleys near the sea-coast, frosts and snows have never been known; and, generally, the climate has been represented to be mild, dry, breezy, and healthy—better than that of Italy; as there the sultry, scorching blasts from the African deserts have no counterpart. Save in the higher mountains, or in the extreme north-east, snow never lies, the earth never freezes, and winter is but a mild, green, and long spring, throughout which cattle pick up their own living far more easily and safely than in summer. Sea-breezes from the south-west in winter, from the north-west in summer, maintain an equilibrium of temperature.

We have thus briefly described the climate of the settled regions of the United States. Considered in connection with the commercial commodities of the different states, or divisions of the country, a fair idea may be formed of their respective productive forces.

CHAPTER IV.

The Causes that produced the Revolution; Colonial Territories and Population before and after the War.

The Causes that produced the Revolution of 1776.

The Stamp Act of 1765 was the first cause of the revolutionary war of 1776, that resulted in the separation of the colonies from the British crown. The efforts of the king to enforce the Stamp Act, and the law of 1767, levying a duty on paper, glass, tea, &c., gave birth to an enmity against the sovereign British power, that, to this day, among a class of Americans, has never ceased to exist. The causes that produced the war—commenced by the skirmish at Lexington, on the 19th of April, 1775, and, more officially, by the battle of Bunker Hill, on the 17th of June, 1775—were set forth in the Declaration of Independence of 1776. The colonies had formed resolves of resistance after 1765, which led them, step by step, to direct hostilities—a rebellion of the greatest proportions—and their formal separation from the British empire. While in the midst of these revolts, the different colonies sent delegates to a convention (commonly known as the Congress), to advise one with the other, and to agree upon plans for the common good of the country. On the 4th of July, 1776, the

Declaration of Independence was adopted. That document declared the following as their grievances; viz.—

A Declaration by the Representatives of the United States of America, in Congress assembled.

When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident—that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that, whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organising its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and, accordingly, all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But, when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies, and such is now the necessity which constrains them to alter their former systems of government. The history of the present king of Great Britain is a history of repeated injuries and usurpations, all having, in direct object, the establishment of an absolute tyranny over these states. To prove this, let facts be submitted to a candid world:—

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and

pressing importance, unless suspended in their operation till his assent should be obtained; and, when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature; a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly, for opposing, with manly firmness, his invasions on the rights of the people.

He has refused, for a long time after such dissolutions, to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise; the state remaining, in the meantime, exposed to all the danger of invasion from without, and convulsions within.

He has endeavoured to prevent the population of these states; for that purpose, obstructing the laws for neutralisation of foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers to harass our people, and eat out their substance.

He has kept among us, in times of peace, standing armies without the consent of our legislature.

He has affected to render the military independent of, and superior to, the civil power.

He has combined, with others, to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his assent to their acts of pretended legislation:

For quartering large bodies of armed troops among us:

For protecting them, by a mock trial, from punishment, for any murders which they should commit on the inhabitants of these states:

For cutting off our trade with all parts of the world:

For imposing taxes on us without our consent:

For depriving us, in many cases, of the benefits of trial by jury:

For transporting us beyond seas to be tried for pretended offences:

For abolishing the free system of English laws in a neighbouring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies:

For taking away our charters, abolishing our most valuable laws, and altering, fundamentally, the powers of our governments:

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here, by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is, at this time, transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny, already begun, with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilised nation.

He has constrained our fellow-citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian savages, whose known rule of warfare is an undistinguished destruction, of all ages, sexes, and conditions.

In every stage of these oppressions, we have petitioned for redress, in the most humble terms; our repeated petitions have been answered only by repeated injury. A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attention to our British brethren. We have warned them, from time to time, of attempts made by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and

magnanimity; and we have conjured them, by the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They, too, have been deaf to the voice of justice and consanguinity. We must, therefore, acquiesce in the necessity, which denounces our separation, and hold them, as we hold the rest of mankind, enemies in war; in peace, friends.

We, therefore, the representatives of the United States of America, in general Congress assembled, appealing to the Supreme Judge of the World for the rectitude of our intentions, do, in the name, and by the authority of the good people of these colonies, solemnly publish and declare, That these United Colonies are, and of right ought to be, free and independent states; that they are absolved from all allegiance to the British crown; and that all political connexion between them and the state of Great Britain, is, and ought to be, totally dissolved; and that, as *free and independent states*, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do. And, for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other, our lives, our fortunes, and our sacred honour.

The Colonial Territories.

The war between the colonies and the British government continued until the treaty of 1783. The bloody incidents of that struggle need not be discussed in this work; but we deem it proper to consider the political progress of the colonial governments tending towards the formation of the thirteen separate and distinct republics—and the American nation. The great republic came into existence after an arduous and long-sustained effort of combined wisdom, valour, and perseverance. Of the accessions of territory since made—which progressively have enlarged the elastic boundaries of the nation, to dimensions compared with which, the monarchical territories of

Europe are but as secondary provinces—we have referred, heretofore, in the order in which they successively occurred. We deem it necessary, however, to recapitulate, briefly, the extent of the territorial occupancy at the beginning of the war, and what it was on the signing of the treaty of peace in 1783. In 1775, the British possessions embraced all the lands lying east of the Mississippi river, from its most northern source to its mouth, excepting the island of Orleans. All the territory west of the Mississippi belonged to Spain. The colonial charters and patents extended from the Atlantic coast to the Mississippi—sometimes known as the South Sea—and the Ohio rivers, and to the lakes north and west of New York. The territory lying west of the Ohio river was British; but it was not embraced within the thirteen colonial charters or patents. Of this immense domain, Massachusetts possessed, including Maine, 39,566 square miles; New Hampshire, 9,280; Vermont, with an area of 10,212 square miles, was a territory claimed by New Hampshire and New York; Rhode Island had 1,306 square miles; Connecticut, 4,674; New York, 47,000; New Jersey, 8,320; Pennsylvania, 46,000: total, in the seven states above mentioned, 166,358 square miles. Delaware, 2,120; Maryland, 11,184. Virginia included the district of Kentucky, and had an area of 99,032; North Carolina, 96,304; South Carolina, 29,885; and Georgia, extending to the Mississippi, or South Sea, had an area of about 159,878: total, in the six latter states, 389,403. Total area, before the war, was about 555,761 square miles. At the close of the war, in 1783, the territories of the states were as

before given, excepting Virginia. This state, through its own independent western army, had conquered the northwest territory, being all the lands lying between the Mississippi and the Ohio rivers, and the lakes Erie, Huron, Michigan, Superior, and Lake of the Woods. This immense region enlarged the domain of Virginia to some 341,352 square miles—an aggregate more than double the domain of all the seven states north of Mason and Dixon's line; 50,981 square miles more than all the other states south of the line; and nearly the seventh of the whole territory of the United States. The total territory of the united colonies, relinquished by the king by the treaty of 1783, according to the foregoing, was about 798,081 square miles. The only state that had acquired additional domain was Virginia, which amounted to about 242,320 square miles. Such was the territorial area of the thirteen republics of 1783. Some of the northern states alleged claims to small sections of lands west of the Ohio; but their titles were but imaginary.

Population of the Colonies, before and after the Revolutionary War.

The population of the colonial territories at the commencement of the revolution, was about 2,450,000; of which, about 400,000 were slaves, and about 55,000 free negroes. At the close of the war, in 1783, the population was about 3,000,000; and, in 1790, when the first authentic census was taken, it was 3,929,827. This rapid increase was owing to the emigration from Europe, and the increased domestic affiliation between the sexes, after the disbanding

of the American army. The following table shows the distribution of the people, according to the census of 1790:—

Population of the United States on the 1st of August, 1790.

States and Districts.	White Males of 16 and upwards.	White Males under 16.	White Females.	Free Negroes.	Slaves.	Total.
New Hampshire. .	36,089	34,851	70,171.	630	158	141,899
Massachusetts. . .	95,383	87,289	190,582	5.463	—	378,717
Rhode Island. . .	16,033	15,811	32,845	3,469	952	69,110
Connecticut . . .	60,527	54,592	117,562	2,801	2,759	238,141
New York. . . .	83,700	78,122	152,320	4,654	21,324	340,120
New Jersey . . .	45,251	41,416	83.287	2,762	11,423	184,139
Pennsylvania. . .	110,788	106,948	206.363	6.537	3.737	434.373
Delaware	11,783	12,143	22,384	3,899	8.887	59.096
Maryland	55,915	51.339	101.395	8,043	103,036	319,728
Virginia.	110,934	116.135	215 046	12,766	293,427	748.308
North Carolina . .	69,998	77,506	140,710	4,975	100,572	393,751
South Carolina . .	35,576	37,722	66,888	1,801	107,094	249,073
Georgia.	13,103	14,044	25,739	398	29,264	82,548
District of Maine .	24,384	24,748	46,870	538	—	96,540
,, Vermont	22,419	22,327	40,398	255	17	85,416
,, Kentucky	15,154	17,057	28,922	114	11,830	73.077
,, Tennessee	6,271	10,377	15,365	361	3,417	35,791
Total . . .	813,308	812,427	1,556,847	59,466	697,897	3,929,827

We are not informed whether or not the census included the sparsely settled pioneers in the wild forests west of Georgia proper. It did not include the people living in the north-west territory, though there were but a few hundred in that extensive region, the most of whom were French.

CHAPTER V.

The Sovereignty of the States, and the Treaty of 1783; Virginia Constitutional Government; the Legislative, Executive, and Judiciary Departments; Organisation of Counties; Adoption and Revision of a Constitution; the Source a of State's Sovereignty; Federal Government constructs Forts by permission of the State; Grades of Territorial Governments.

THE organisation of a state government is in conformity with a constitutional code, in the nature of a compact between the people, in whom, according to the theory of American republicanism, "all power is vested," and to whom are amenable all administrative agents, whether executive, legislative, or judicial. Before proceeding to explain the mode or manner of forming a state government, we deem it necessary, as preliminary, to refer to the earlier political condition of the colonies.

THE SOVEREIGNTY OF THE STATES, AND THE TREATY OF 1783.

The colonial governments were organised, by authority from the crown of Great Britain, under certain stipulations, specified in their respective royal patents. The sovereignty of the soil was with the crown; and the right of government, according to the royal interpretation, was, in part, but *delegated* to the people. At the commencement of the revolutionary war, each colony formally revolted, and declared itself free and independent, and that all powers of government were *vested* in the people. There were

thirteen colonies; and, by their acts, severing all allegiance to the British crown, they became thirteen independent republics; though, until recognised by the British government, they were but belligerent powers. The treaty of 1783 acknowledged their independence; each of the states being named in the treaty, and therein recognised as distinct sovereignties.

The said treaty contains the following:—

"Art. 1. His Britannic majesty acknowledges the said United States, viz., New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, to be free, sovereign, and independent states; that he treats with them as such; and for himself, his heirs and successors, relinquishes all claims to the government, property, and territorial rights of the same, and every part thereof."

It was stipulated that creditors, on either side, should meet with no lawful impediment to the recovery of the full value of all the debts theretofore contracted. Congress was to *recommend* to the states to provide for the restitution of confiscated estates. Congress was also to *recommend* to the states a reconsideration of their laws concerning confiscation; and persons having an interest in confiscated lands, were not to meet with any lawful impediment in the prosecution of their just rights. The peace was to be firm and perpetual; prisoners were to be released; and the negroes were not to be carried away. These were among the conditions of the treaty of 1783, which was made with the thirteen states, and not with the confederation then in existence, under the articles of 1778. But the American commissioners were appointed under the act of Congress, and the treaty was confirmed by the

confederation, and not by the respective states. It would seem, from these circumstances, that the confederation and its officials were but the mere agents for the states—a grand executive committee.

Virginia Constitutional Government.

Immediately after the breaking out of hostilities between the colonies and the government of George III., each of the states exercised an independent sovereignty, and proceeded to form an organic code, grouping together the principles of the government desired by the people, to take the place of the former regal structure. It was determined to maintain a republic; and to that end, the states, one after the other, and each for itself, excepting Rhode Island and Connecticut, proceeded to frame a constitution. Virginia was the first of the states, or colonies, to adopt a constitutional organisation of a permanent character. In January, 1776, a provincial Congress, composed of representatives from the towns of New Hampshire, assembled, and adopted a provisional government, consisting of a "House of Representatives," or an "assembly," of the colony. This body elected twelve persons to form a council; and it was agreed that all acts should pass both of these assemblies before they should become laws. This form of government continued until 1790, when a constitution was framed and adopted.

Early in the year 1776, South Carolina, in provincial assembly, resolved itself into a "general assembly," and elected a legislative council from its own members. These two bodies, on joint ballot, elected a president (who was

also commander-in-chief of the state), and a vice-president. The president was the executive; and the judiciary, elected by the legislative assemblies, were commissioned by the president. This form of government continued in force until the adoption of the constitutional government in 1790. A convention of delegates, elected by the people of Virginia, assembled on the 15th of May, 1776; and, on the 12th of June, the first constitution for the formation of the first American republic was unanimously adopted. This constitution had prefixed to it the following "Bill of Rights;" viz.—

A Declaration of Rights made by the Representatives of the good People of Virginia, assembled in full and free Convention; which rights do pertain to them and their Posterity, as the basis and foundation of Government. Unanimously adopted June 12th, 1776.

1. That all men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

2. That all power is vested in, and consequently derived from, the people; that magistrates are their trustees and servants, and at all times amenable to them.

3. That government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation, or community. Of all the various modes and forms of government, that is the best which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of maladministration; and that, when any government shall be found inadequate, or contrary to these purposes, a majority of the community hath an indubitable, unalienable, and indefeasible right to reform, alter, or abolish it, in such manner as shall be judged most conducive to the public weal.

4. That no man, or set of men, are entitled to exclusive or

separate emoluments or privileges from the community, but in consideration of public services; which not being descendible, neither ought the offices of magistrate, legislator, or judge, to be hereditary.

5. That the legislative and executive powers of the state should be separate and distinct from the judiciary; and that the members of the first two may be restrained from oppression, by feeling and participating the burthens of the people, they should, at fixed periods, be reduced to a private station, return into that body from which they were originally taken, and the vacancies be supplied by frequent, certain, and regular elections, in which all, or any part of the former members, to be again eligible, or ineligible, as the laws shall direct.

6. That elections of members to serve as representatives of the people, in assembly, ought to be free; and that all men, having sufficient evidence of permanent common interest with, and attachment to, the community, have the right of suffrage, and cannot be taxed or deprived of their property for public uses, without their own consent, or that of their representatives so elected, nor bound by any law to which they have not, in like manner, assented, for the public good.

7. That all power of suspending laws, or the execution of laws, by any authority, without the consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.

8. That, in all capital or criminal prosecutions, a man hath a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, to call for evidence in his favour, and to a speedy trial by an impartial jury of his vicinage, without whose unanimous consent, he cannot be found guilty; nor can he be compelled to give evidence against himself: that no man be deprived of his liberty except by the law of the land, or the judgment of his peers.

9. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

10. That general warrants, whereby an officer or messenger may be commanded to search suspected places, without evidence of a fact committed, or to seize any person or persons not named, or whose offence is not particularly described and supported by evidence, are grievous and oppressive, and ought not to be granted.

11. That in controversies respecting property, and in suits between

man and man, the ancient trial by jury is preferable to any other, and ought to be held sacred.

12. That the freedom of the press is one of the great bulwarks of liberty, and can never be restrained but by despotic government.

13. That a well-regulated militia, composed of a body of the people, trained to arms, is the proper, natural, and safe defence of a free state; that standing armies, in time of peace, should be avoided, as dangerous to liberty; and that, in all cases, the military should be under strict subordination to, and governed by, the civil power.

14. That the people have a right to uniform government; and, therefore, that no government separated from, or independent of, the government of *Virginia*, ought to be erected or established within the limits thereof.

15. That no free government, or the blessing of liberty, can be preserved to any people, but by a firm adherence to justice, moderation, temperance, frugality, and virtue, and by frequent recurrence to fundamental principles.

16. That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and, therefore, all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that it is the mutual duty of all to practise Christian forbearance, love, and charity towards each other.

The constitution was framed to conform to the principles declared in the preceding. Bills of Rights have been prefixed to the constitutions of all the states then and since organised. In principle, they are all nearly the same. The Declaration of Rights is considered more sacred than the constitutional provisions for the government. The form of the constitution may be changed; but the political rights of man, as scheduled in the bill, are considered to be too sacred to be altered. All governmental decrees, whether constitutional or statutory, must conform to the principles set forth in the Bill of Rights.

The Virginia constitutional government of 1776, vested all powers in three departments; namely, the legislative, executive, and judicial: each distinct from the other, yet co-operative in the administration of affairs promotive of the common weal. About the same time, the other colonies were adopting constitutional governments. The following were the dates:—New Jersey, on the 2nd of July, 1776; Maryland, on the 14th of August, 1776; Delaware, on the 20th of September, 1776; North Carolina, on the 18th of December, 1776; New York in April, 1777; and Georgia in 1789.—These constitutions have been amended or revised from time to time; but with respect to the general principles of government, they remain the same. Rhode Island continued its charter government until 1842, when it adopted a constitution.

There were, at the formation of the United States' government of 1789, thirteen states; and, since then, there have been added to the Union twenty-one, eleven of which have been formed out of the territory held under the treaty of peace with Great Britain, of 1783. The other states have been formed out of the territories purchased or annexed by treaties. All of the new states have adopted constitutions, organising governments upon the same principles; viz., the legislative, executive, and judicial departments. Each of these branches, as common in most of the constitutions, we will briefly explain.

The Legislative Department.

The people, through the constitutional compact, stipulate, that the power of enacting laws shall be vested in the

legislative department of the government. This branch is composed of two separate assemblies, usually styled the "Senate" and "House of Representatives;" and unitedly, the "General Assembly," or the "Legislature." The senate is considered to be the most conservative, and consists of a less number of members than the House of Representatives—seldom more than one-third of that body. The senators are elected for a longer term than the representatives. The former are elected for two or more sessions; but the latter are never elected for more than one session. The representatives are nearer to the people, and more local than the senators, although both are elected by the people. A state is divided into counties or parishes; and each of these is divided into districts, precincts, towns, or townships. In some states, each county is entitled to one representative; in others, where population is the sole basis of representation, several counties, unitedly, can send but one member; in others, having a large population, they elect several representatives. Suppose a state has one hundred counties, and each contained a population of 10,000, and each was entitled to a representative in the lower branch of the legislature; the House of Representatives would, in such a state, consist of one hundred members. If the senate consisted of but twenty-five members, the state would be divided into twenty-five senatorial districts, each having a population of 4,000. Under such an organisation, the four counties would each elect a representative, and unitedly elect a senator. If, however, one county had 4,000 inhabitants, it would elect a senator; but if there were ten counties,

having only the 4,000, then, in that case, the senatorial district would be composed of ten counties.

All bills must pass both houses; and, in many of the states, they must be signed by the executive before they can become laws. Except on the raising of revenue, bills can originate in either house. The formalities of passing bills are much the same as those observed in the Congress of the United States, and in the parliament of Great Britain.

The Executive Department.

The governor of the state exercises the functions of the executive department of the government. He signs the laws, and executes them in behalf of the people. He issues all commissions, and watches over the whole official business of the state. He has power to convene the legislature, but not to prorogue it. In some states he has a veto power; but, in such cases, the legislature can make the bill a law by a two-third vote; and, if thus passed, the governor must sign it.

The governor is elected by the people of the whole state; and usually for a term of years; the longest being four years.

The following clause from the constitution of New Hampshire, explains the powers of the governor with respect to the military. A similar clause is in the constitution of every state:—

"The governor of this state for the time being, shall be commander-in-chief of the army and navy, and all the military forces of this state, by sea and land; and shall have full power, by himself, or by any chief commander, or other officer or officers, from time to time, to train, instruct, exercise, and govern the militia and navy; and, for the special defence and safety of this state, to assemble

in martial array, and put in warlike posture, the inhabitants thereof; and to lead and conduct them, and with them encounter, repulse, repel, resist, and pursue, by force of arms, as well by sea as by land, within and without the limits of this state; and also to kill, slay, destroy if necessary, and conquer, by all fitting ways, enterprise, and means, all and every such person and persons, as shall at any time hereafter, in a hostile manner, attempt the destruction, invasion, detriment, or annoyance of this state; and to use and exercise over the army and navy, and over the militia in actual service, the law martial in time of war, invasion, and also in rebellion, declared by the legislature to exist; as occasion shall necessarily require. And surprise, by all ways and means whatsoever, all and every such person or persons, with their ships, arms, ammunition, and other goods, as shall in a hostile manner, invade, or attempt the invading, conquering, or annoying this state. And, in fine, the governor is hereby entrusted with all other powers incident to the office of captain-general and commander-in-chief, and admiral, to be exercised agreeably to the rules and regulations of the constitution and the laws of the land."

The governor has not the power to transport any person out of the state, nor to march the inhabitants out of New Hampshire, without their consent, or the consent of the legislature.

The Judicial Department.

The interpretation of the constitution and the statutes is confided to the judicial tribunals. The legislature enacts the laws; the governor executes them; and the judiciary defines them. The courts are organised in every county. The Supreme Court usually sits at the capital of the state. The costs for civil suits are moderate: a case involving a million sterling, with like proceedings, is no more expensive than a suit involving but one hundred sterling. The filing of the papers, bringing the suit, the issuing and serving of the writs, the trial by jury, and final judgment, on an average, may be considered at some ten pounds

sterling. If, however, the suit be prolonged for many years, and there be a large number of witnesses, or depositions taken, the costs may be several hundred pounds sterling. The state is divided into judicial circuits, districts, and local jurisdictions. The judges, in nearly all the states, are elected for a term of years, generally between five and ten. These officers were formerly appointed by the governor, during good behaviour; and could only be removed by the legislature, which was always very difficult. In order to effect the removal without the tedious and dangerous attempt by trial, the legislature would sometimes pass a law, changing the number of the judicial districts. The law would declare, that "district number one" should be in the western part of the state, instead of being, as theretofore, in the eastern section of the state. The judge would thus find his court several hundred miles distant; and he would either have to resign, or remove to his new jurisdiction. Some judges take the hint, and resign; but others prefer to accept of the change of residence.

The Organisation of Counties.

A county is created by an act of the legislature. In many of the states, new counties are continually being formed. For example, in 1850, Virginia contained 137 counties; and in 1860, it had 148: in 1850, Texas had 78; and in 1860, it had 154. These new counties were taken from older ones. The legislature has the power to reduce, enlarge, or abolish a county. The area and the boundaries of a county, especially in the new states,

are continually varying; and new towns, villages, and cities, every year, come into existence. A map of England is of use for many years; but a map of the United States is imperfect except for the date of its issue. Towns and cities are incorporated by the legislature; and, like counties, they have only delegated powers. They are but the creatures of the state government. A town in most of the states is a collection of houses, and is governed by a chairman and a board of trustees, annually elected by the people. A city charter is granted to large towns, usually of five, ten, or more thousands of inhabitants. The government of the city is delegated to a mayor and council elected by the people. In several cities, the council is composed of two branches; and all municipal regulations have to pass both bodies. In some states, a county is divided into sections, called towns; in others, townships; in others, precincts, or districts, &c. The cities are divided into "wards," as in New York; or into "municipalities," as in New Orleans. The officials of a county, are the magistrates, county judges, sheriffs, constables, tax assessors, tax collectors, gaoler, militia officers, &c., &c.; all of whom, in most of the states, are elected by the people; in others they are appointed by the governor.

Adoption and Revision of the Constitution.

When a new state is proposed to be organised, the people elect delegates to a convention, for the purpose of framing a constitution. After that instrument has been adopted in convention, it is submitted to the vote of the people; and, on ballot, they declare, "for the constitution," or

"against the constitution." If the affirmative receive a majority of the votes, it is adopted; if the majority vote for the negative, the constitution is rejected. Whenever the people desire it, another convention is called. In the old states, it is difficult to effect a revision of that instrument. It is usual for the legislature to pass a law to take the vote of the people, whether or not a convention shall be authorised to meet, for the purpose of revising the constitution. The people ballot directly upon the question—"for a convention;" "against a convention." If carried in the affirmative, the next session of the legislature passes a law, authorising a convention to be convened, and its members to be elected. The delegates are then elected, and the convention assembles according to law, and proceeds to revise the constitution. This body sometimes continues in session several weeks. When the revised instrument has been completed, the convention orders its submission to the vote of the people, and then adjourns. The people cast their ballots, either "for the constitution," or "against the constitution." If adopted, a new government is organised; but, if rejected, and the effort to change the government has failed, the old constitution is continued in force. These proceedings—namely, the passing of the bill by the legislature, and the taking of the vote of the people, whether or not a convention shall be convened; the passing of the bill for the election of the delegates; and the other formalities alluded to, occupy some four or five years. These several considerations given to the important subject by the legislature and by the people, afford time for reflection, and prevent the

annulment of the organic law of the state by any temporary, exciting influence. Some of the states, such as Georgia, Massachusetts, Connecticut, &c., amend their constitutions by and through legislative enactments. The subject of the proposed alteration is discussed before the people; and candidates for the legislature advocate or oppose the amendment. If the candidates favouring it be elected, then, at the next session of the legislature, a law is passed, submitting the proposed amendment to the consideration or ballot of the people; and, if they approve of the proposed change, it becomes a constitutional clause. In Massachusetts, the amendment must pass two separate sessions of the legislature, before it can be submitted to the vote of the people.

In all the states there is a disinclination among the people to change their constitutions. They prefer permanency of government.

The Source of a State's Sovereignty.

The sovereign power of a state is derived from the people; and, as explanatory of this republican theory, we herein insert the following state constitutional declarations.

The Massachusetts and New Hampshire constitutions assert—

"The people of this commonwealth have the sole and exclusive right of governing themselves as a free, sovereign, and independent state; and do, and for ever hereafter shall, exercise and enjoy every power, jurisdiction, and right, which is not, or may not, hereafter be by them expressly *delegated* to the United States of America in Congress assembled."

The Connecticut, Mississippi, Alabama, Florida, and Texas constitutions declare—

"That all political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit; and that they have at all times an undeniable and indefeasible right to alter their form of government in such manner as they may think expedient."

The Pennsylvania, Kentucky, Tennessee, Indiana, Arkansas, Oregon, and (in substance) Maine constitutions declare—

"That all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness: for the advancement of these ends, they have, at all times, an unalienable and indefeasible right to alter, reform, or abolish their government, in such manner as they may think proper."

The Maryland constitution declares—

"That all government of right originates from the people, is founded in compact only, and instituted solely for the good of the whole; and they have at all times, according to the mode prescribed in this constitution, the unalienable right to alter, reform, or abolish their forms of government, in such manner as they may deem expedient."

The Virginia constitution of 1851 declares—

"That government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation, or community: of all the various modes and forms of government, that is best which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of maladministration; and that when any government shall be found inadequate, or contrary to these purposes, a majority of the community hath an indubitable, unalienable, and indefeasible right to reform, alter, or abolish it, in such manner as shall be judged most conducive to the public weal."

The Missouri constitution declares—

"That the people of this state have the inherent, sole, and exclusive right of regulating the internal government and police thereof,

and of altering and abolishing their constitution and form of government, whenever it may be necessary to their safety and happiness."

The Iowa, California, New Jersey, Minnesota, and Ohio constitutions declare—

"All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people; and they have the right, at all times, to alter or reform the same whenever the public good may require it."

The South Carolina and Illinois constitutions declare—

"All power is originally vested in the people; and all free governments are founded on their authority, and are instituted for their peace, safety, and happiness."

FEDERAL FORTS ARE CONSTRUCTED BY PERMISSION OF THE STATES.

A state, in the exercise of its sovereignty, permits the United States' government to purchase and hold lands within its jurisdiction, for national purposes; such as for post-houses, custom offices, federal court-houses, arsenals, forts, navy and army depôts, &c. This permission is given by an act of the legislature of the state, as shown by the following statute passed by the Kentucky legislature, December 20th, 1803.

"*Be it enacted by the general assembly of the commonwealth of Kentucky*, That the purchase made by the United States, of five acres and six square poles of land in the town of Newport, and county of Campbell, for the purpose of erecting an arsenal and other public buildings thereon, shall, and the same is hereby ratified and confirmed, vesting in the United States the power to exercise the exclusive jurisdiction therein, saving to this commonwealth the right to demand and receive from the officer or other person who may have the command or direction thereof, any person charged with crimes committed in any other part of this state, or such

other person or persons as shall move there to evade the execution of the laws of this state."

Grades of Territorial Governments.

Before closing this chapter, we will recapitulate the epochs of government common to any given territorial domain, as practised in our past history.

1st. The period when the people inhabiting the territory had no voice whatever in the government; a governor and judges appointed by the president, adopted laws from the codes of the states, and executed them.

2nd. The next period was when the inhabitants were permitted to share in the government, by giving them a council composed of their own citizens (appointed by the president), to act with the judges in adopting laws.

3rd. The period, still later, when the inhabitants were permitted a territorial legislature, consisting of a House of Representatives, elected by themselves; a council appointed by the president; and liberty to originate laws: but all their acts, as in those of the two other grades, were subject to the approbation of Congress. At this epoch, the people of the territory were permitted, through courtesy, to elect a delegate to the lower house of Congress.

4th. The period when the inhabitants of the territory were permitted to frame a constitution, and organise a state government.

Until the organisation of the state government, the Congress of the United States exercised full and complete authority over the territories; but after that transition, the sovereignty irrevocably passed to the new state.

CHAPTER VI.

The United States' Confederation of 1781; Articles of Confederation proposed by the Congress; ratified by the Colonies, and the Government organised.

The United States' Confederation of 1781.

In order to effect a common and united defence, during the revolutionary war, the colonies deemed it necessary to form an alliance, in the nature of a league and perpetual union. The Congress was composed of representatives from the respective colonies. It was but a convention of delegates, assembled together in one body, to consult upon the affairs of the country, and recommend all needful measures to their constituencies. The convention could only act in such matters as might have been previously permitted by the states. During the first years of the war, the colonists were engaged in the formation of state constitutional governments, and the Congress was to some extent neglected. In order to accomplish the independence of the country, the united action of the people, directed towards the fulfilment of the same measures, was found to be indispensably necessary. To attain this great desideratum, the Congress of 1777 recommended to the different states, for adoption, the following organic instrument; viz.—

Articles of Confederation and Perpetual Union.

To all to whom these presents shall come, we the undersigned delegates of the states affixed to our names, send greeting.—Whereas the dele-

gates of the United States of America, in Congress assembled, did, on the 15th day of November, in the year of our Lord 1777, and in the second year of the independence of America, agree to certain articles of confederation and perpetual union between the states of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, in the words following; viz.—

Articles of Confederation and Perpetual Union between the States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia.

ARTICLE I.—The style of this confederacy shall be "The United States of America."

ARTICLE II.—Each state retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right which is not by this confederation expressly delegated to the United States in Congress assembled.

ARTICLE III.—The said states hereby severally enter into a firm league of friendship with each other, for their common defence, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.

ARTICLE IV.—The better to secure and perpetuate mutual friendship and intercourse among the people of the different states in this Union, the free inhabitants of each of these states—paupers, vagabonds, and fugitives from justice excepted—shall be entitled to all privileges and immunities of free citizens in the several states; and the people of each state shall have free ingress and regress to and from any other state, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions, and restrictions as the inhabitants thereof respectively, provided that such restriction shall not extend so far as to prevent the removal of property imported into any state, to any other state of which the owner is an inhabitant; provided also that no imposition, duties, or restriction shall be laid by any state on the property of the United States, or either of them.

If any person guilty of, or charged with treason, felony, or other high misdemeanour in any state shall flee from justice, and be found in any of the United States, he shall, upon demand of the governor or executive power of the state from which he fled, be delivered up and removed to the state having jurisdiction of his offence.

Full faith and credit shall be given in each of these states to the records, acts, and judicial proceedings of the courts and magistrates of every other state.

ARTICLE V.—For the more convenient management of the general interest of the United States, delegates shall be annually appointed, in such manner as the legislature of each state shall direct, to meet in Congress on the first Monday in November, in every year, with a power reserved to each state to recall its delegates, or any of them, at any time within the year, and to send others in their stead, for the remainder of the year.

No state shall be represented in Congress by less than two, nor by more than seven members; and no person shall be capable of being a delegate for more than three years in any term of six years; nor shall any person, being a delegate, be capable of holding any office under the United States, for which he, or another for his benefit, receives any salary, fees, or emolument of any kind.

Each state shall maintain its own delegates in any meeting of the states, and while they act as members of the committee of the states.

In determining questions in the United States, in Congress assembled, each state shall have one vote.

Freedom of speech and debate in Congress shall not be impeached or questioned in any court or place out of Congress; and the members of Congress shall be protected in their persons from arrests and imprisonments, during the time of their going to and from, and attendance on Congress, except for treason, felony, or breach of the peace.

ARTICLE VI.—No state, without the consent of the United States in Congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance, or treaty with any king, prince, or state; nor shall any person holding any office of profit or trust under the United States, or any of them, accept of any present, emolument, office, or title of any kind whatever from any king, prince, or foreign state; nor shall the United States in Congress assembled, or any of them, grant any title of nobility.

No two or more states shall enter into any treaty, confederation, or alliance whatever between them, without the consent of the United States in Congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

No state shall lay any impost or duties, which may interfere with any stipulations in treaties, entered into by the United States in Congress assembled, with any king, prince, or state, in pursuance of any treaties already proposed by Congress, to the courts of France and Spain.

No vessels of war shall be kept up in time of peace by any state, except such number only as shall be deemed necessary by the United States in Congress assembled, for the defence of such state, or its trade; nor shall any body of forces be kept up by any state, in time of peace, except such number only, as in the judgment of the United States, in Congress assembled, shall be deemed requisite to garrison the forts necessary for the defence of such state; but every state shall always keep up a well-regulated and disciplined militia, sufficiently armed and accoutred, and shall provide and have constantly ready for use, in public stores, a due number of field-pieces and tents, and a proper quantity of arms, ammunition, and camp equipage.

No state shall engage in any war without the consent of the United States in Congress assembled, unless such state be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such state, and the danger is so imminent as not to admit of a delay, till the United States, in Congress assembled, can be consulted: nor shall any state grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the United States in Congress assembled, and then only against the kingdom or state, and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the United States in Congress assembled, unless such state be infested by pirates, in which case vessels of war may be fittted out for that occasion, and kept so long as the danger shall continue, or till the United States, in Congress assembled, shall determine otherwise.

Article VII.—When land forces are raised by any state for the common defence, all officers of or under the rank of colonel, shall be appointed by the legislature of each state respectively by whom such forces shall be raised, or in such manner as such state shall

direct, and all vacancies shall be filled up by the state which first made the appointment.

ARTICLE VIII.—All charges of war, and all other expenses that shall be incurred for the common defence or general welfare, and allowed by the United States, in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several states, in proportion to the value of all land within such state, granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated according to such mode as the United States, in Congress assembled, shall, from time to time, direct and appoint. The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several states within the time agreed upon by the United States in Congress assembled.

ARTICLE IX.—The United States, in Congress assembled, shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the 6th article—of sending and receiving ambassadors—entering into treaties and alliances, provided that no treaty of commerce shall be made whereby the legislative power of the respective states shall be restrained from imposing such imposts and duties on foreigners, as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever—of establishing rules for deciding in all cases, what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the United States shall be divided or appropriated —of granting letters of marque, and reprisal in times of peace—appointing courts for the trial of piracies and felonies committed on the high seas, and establishing courts for receiving and determining finally appeals in all cases of captures, provided that no member of Congress shall be appointed a judge of any of the said courts.

The United States, in Congress assembled, shall also be the last resort on appeal in all disputes and differences now subsisting or that hereafter may arise between two or more states concerning boundary, jurisdiction, or any other cause whatever; which authority shall always be exercised in the manner following. Whenever the legislative or executive authority, or lawful agent of any state in controversy with another shall present a petition to Congress, stating the matter in question and praying for a hearing, notice thereof shall be given by order of Congress to the legislative or executive

authority of the other state in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to apoint by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question: or, if they cannot agree, Congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven, nor more than nine names as Congress shall direct, shall in the presence of Congress be drawn out by lot, and the persons whose names shall be so drawn, or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always as a major part of the judges who shall hear the cause shall agree in the determination: and if either party shall neglect to attend at the day appointed, without showing reasons, which Congress shall judge sufficient, or being present shall refuse to strike, the Congress shall proceed to nominate three persons out of each state, and the secretary of Congress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the court to be appointed, in the manner before prescribed, shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence, or judgment, which shall in like manner be final and decisive, the judgment or sentence and other proceedings being in either case transmitted to Congress, and lodged among the acts of Congress for the security of the parties concerned: provided that every commissioner, before he sits in judgment, shall take an oath to be administered by one of the judges of the supreme or superior court of the state, where the cause shall be tried, "well and truly to hear and determine the matter in question, according to the best of his judgment, without favour, affection, or hope of reward:" provided also that no state shall be deprived of territory for the benefit of the United States.

All controversies concerning the private right of soil claimed under different grants of two or more states, whose jurisdictions as they may respect such lands, and the states which passed such grants are adjusted, the said grants, or either of them, being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall on the petition of either party to the Congress of

the United States, be finally determined as near as may be in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different states.

The United States, in Congress assembled, shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective states—fixing the standard of weights and measures throughout the United States—regulating the trade, and managing all affairs with the Indians, not members of any of the states, provided that the legislative right of any state within its own limits be not infringed or violated—establishing or regulating post-offices from one state to another, throughout all the United States, and exacting such postage on the papers passing through the same as may be requisite to defray the expenses of the said office—appointing all officers of the land forces, in the service of the United States, excepting regimental officers—appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the United States—making rules for the government and regulation of the said land and naval forces, and directing their operations.

The United States, in Congress assembled, shall have authority to appoint a committee, to sit in the recess of Congress, to be denominated "A Committee of the States," and to consist of one delegate from each state; and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the United States under their direction—to appoint one of their number to preside, provided that no person be allowed to serve in the office of president more than one year in any term of three years; to ascertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply the same for defraying the public expenses—to borrow money, or emit bills on the credit of the United States, transmitting every half-year to the respective states an account of the sums of money so borrowed or emitted—to build and equip a navy—to agree upon the number of land forces, and to make requisitions from each state for its quota, in proportion to the number of white inhabitants in such state; which requisition shall be binding, and thereupon the legislature of each state shall appoint the regimental officers, raise the men, and clothe, arm, and equip them, in a soldier-like manner, at the expense of the United States; and the officers and men so clothed, armed, and equipped, shall march to the place appointed,

and within the time agreed on by the United States in Congress assembled: but if the United States in Congress assembled shall, on consideration of circumstances, judge proper that any state should not raise men, or should raise a smaller number than its quota, and that any other state should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, clothed, armed, and equipped in the same manner as the quota of such state, unless the legislature of such state shall judge that such extra number cannot be safely spared out of the same, in which case they shall raise, officer, clothe, arm, and equip as many of such extra number as they judge can be safely spared. And the officers and men so clothed, armed, and equipped, shall march to the place appointed, and within the time agreed on by the United States in Congress assembled.

The United States, in Congress assembled, shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defence and welfare of the United States, or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander-in-chief of the army or navy, unless nine states assent to the same: nor shall a question on any other point, except for adjourning from day to day, be determined, unless by the votes of a majority of the United States in Congress assembled.

The Congress of the United States shall have power to adjourn to any time within the year, and to any place within the United States, so that no period of adjournment be for a longer duration than the space of six months, and shall publish the journal of their proceedings monthly, except such parts thereof relating to treaties, alliances, or military operations, as in their judgment require secrecy; and the yeas and nays of the delegates of each state on any question shall be entered on the journal, when it is desired by any delegate; and the delegates of a state, or any of them, at his or their request, shall be furnished with a transcript of the said journal, except such parts as are above excepted, to lay before the legislatures of the several states.

ARTICLE X.—The committee of the states, or any nine of them,

shall be authorised to execute, in the recess of Congress, such of the powers of Congress as the United States in Congress assembled, by the consent of nine states, shall from time to time think expedient to vest them with; provided that no power be delegated to the said committee, for the exercise of which, by the articles of confederation, the voice of nine states in the Congress of the United States assembled, is requisite.

ARTICLE XI.—Canada acceding to this confederation, and joining in the measures of the United States, shall be admitted into, and entitled to all the advantages of this Union: but no other colony shall be admitted into the same, unless such admission be agreed to by nine states.

ARTICLE XII.—All bills of credit emitted, monies borrowed, and debts contracted by, or under the authority of Congress, before the assembling of the United States, in pursuance of the present confederation, shall be deemed and considered as a charge against the United States, for payment and satisfaction whereof, the said United States and the public faith are hereby solemnly pledged.

ARTICLE XIII.—Every state shall abide by the determinations of the United States in Congress assembled, on all questions which by this confederation is submitted to them. And the articles of this confederation shall be inviolably observed by every state, and the Union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them; unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the legislatures of every state.

And Whereas it hath pleased the Great Governor of the World to incline the hearts of the legislatures we respectively represent in Congress, to approve of, and to authorise us to ratify the said articles of confederation and perpetual union. Know Ye that we the undersigned delegates, by virtue of the power and authority to us given for that purpose, do by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said articles of confederation and perpetual union, and all and singular the matters and things therein contained: and we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the United States in Congress assembled, on all questions which by the said confederation are submitted to them. And that the articles thereof shall be inviolably observed by

the states we respectively represent, and that the Union shall be perpetual. In witness whereof we have hereunto set our hands in Congress.—Done at Philadelphia, in the state of Pennsylvania, the 9th day of July, in the year of our Lord 1778, and in the third year of the independence of America.

The Articles Ratified, and the Government Organised.

These articles were ratified by the respective states, in time, as follows:—On the 9th of July, 1778, they were signed by the delegates from the states of New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Virginia, and South Carolina. On the 21st of July they were ratified by North Carolina: on the 24th of the same month, by Georgia: on the 26th of November, by New Jersey: on the 5th of May, 1779, by Delaware; and, on the 1st of March, 1781, by Maryland. The first Congress of the confederation government met on the 2nd of March, 1781, the day after Maryland had ratified the articles for its formation. From this date commenced the "Confederation of the United States"—an important step towards the establishment of a nation! It will be observed, that each of the states retained "its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which was not, by the articles of confederation, expressly delegated to the United States in Congress assembled." It was to be "a firm league of friendship," "a perpetual union," for their common defence and mutual welfare. It was to enable the whole to resist all attacks made upon them, or any one of them. Such was the solemn obligation entered into by the

respective colonies, one with the other. It was not to be an agreement for the time being; but it was to continue for ever: it was irrevocable; and no state reserved the right to withdraw from the new government. The articles formed a compact; and each of the thirteen colonies signed that perpetual league, and thereafter sent delegates to the national Congress. The organisation of the confederation was made complete in conformity with the stipulations contained in the articles. Notwithstanding the solemnity of the compact, and the pledge of permanency, before ten years had passed, eleven of the thirteen states seceded from the confederation, and formed a new government.

We will now recapitulate the epochs of the national government.

1st. The thirteen separate colonial charter or patent governments, exercising power derived from the throne of Great Britain.

2nd. The rebellion epoch, which ended on the Declaration of Independence, July 4th, 1776.

3rd. The revolutionary period, dating from July 4th, 1776, from which time the common interests of the colonies were managed by a Congress, or a convention, composed of delegates from the respective colonial governments in revolt, until 1781.

4th. The confederation of the United States, organised as a "perpetual union," and intended to be a national government, March 2nd, 1781; and, subsequent to this, was—

5th. The constitutional government of the United States of America, perfected by the inauguration of General Washington, April 30th, 1789.

CHAPTER VII.

Failure of the Confederation of 1781; adoption of the Constitution of 1787; Ratification of the Constitution by the States; Organisation of the United States' Government.

Failure of the Confederation of 1781.

After the close of the revolutionary war, in 1783, the national government, organised in conformity with the "Articles of Confederation and Perpetual Union," was found to be impracticable. The states were indifferent about carrying out the recommendations of the confederation Congress. The cessation of the long war had produced a singular disposition among the people to let things glide along with as little concern as possible. Congress assessed the states for the necessary moneys to sustain the government, and for the payment of the national debt. Some of them promptly paid the levy; but others disregarded or neglected the appeals. It was difficult to collect the assessments from the people. The war had ceased, and the necessity for a government revenue could not be appreciated by many of the people called upon for the payment of taxes. The confederation government was soon found to be inoperative, and a complete failure; it was but a mere agency, and had not the power to enforce its own decrees.

With a view to consummate the greatest good for the

greatest number, it was proposed in the Congress, that the respective states should appoint commissioners to meet in convention at Annapolis, Maryland, in September, 1786, for the purpose of agreeing upon some amendments to the articles of confederation—to effect a firm and a practicable government. There were present at this convention, representatives from New York, New Jersey, Pennsylvania, Delaware, and Virginia. The commissioners appointed by the states of New Hampshire, Massachusetts, Rhode Island, and North Carolina, did not attend. The states of Connecticut, Maryland, South Carolina, and Georgia, did not appoint commissioners. The convention could not do anything; but it proposed to the Congress, the convening of another, to meet in 1787, at Philadelphia. In February, 1787, Congress adopted a resolution, requesting the states to appoint commissioners, to meet at Philadelphia in the succeeding May, "for the sole and express purpose of revising the articles of confederation, and reporting to Congress and the several legislatures, such alterations and provisions therein, as shall, when agreed to in Congress, and confirmed by the states, render the federal constitution adequate to the exigencies of government, and the preservation of the Union."

In conformity with this resolution, all the states, except Rhode Island, appointed delegates to meet in the proposed convention. This state declined to take any part in the affair. It was a component part of the confederation; and it was not inclined to disturb that national compact. On the 29th of May, 1787, the convention assembled in Philadelphia: George Washington,

a delegate from Virginia, was elected president. The object of meeting was fully declared in the resolution passed by Congress, and repeated in the respective letters of appointment. It was, "to revise and amend the articles of confederation." Early after the assembling of the delegates, the idea of *revising* the articles was abandoned, and the convention proceeded to frame a constitution for the organisation of a new government, and the establishment of a consolidated nation. The confederation had proved to be a failure; and the articles forming it could not be amended so as to make it effective. All seemed to admit the necessity of a constitutional government, with powers and means to maintain itself, and not to be dependent upon the respective states for the ratification of its own enactments. How to effect this desideratum was a question most difficult to solve. The convention, however, was composed of men who were patriots and statesmen—men who could see the wants of the people, the necessity of protecting and permanently establishing the liberty achieved by the hard-fought battles of the revolution, and that the prosperity of all the colonies or states depended upon their unity of interests, action, affection, and glory. How to attain the great end desired—namely, a nation—an American nation—engaged the serious thoughts of every delegate. Confident that their constituencies would appreciate the result of their labours, they determined to deviate from their instructions, and frame a government, which, in their opinion, would be more conducive to the welfare of each and of the whole. The states were sovereign and independent, except so far as

they had delegated authority to the confederation; and whether or not they would ever consent to surrender or delegate further power to a general government, was a question that could only be determined upon its submission to the popular consideration. The delegates had faith in the wisdom and discretion of the people, and that they would be willing to surrender or delegate to the national government all needful powers to effect its successful continuance and permanency, not only for and during their own natural lives, but for their posterity—not for an era or for a century only, but for all time—not for the then existing people only, but for generations unborn. It was not to be a confederation, as of the cantons of Switzerland, or as that of the duchies and sovereignties of Germany; but they contemplated the formation of a nation, to be united, prosperous, and happy. They wished to establish a temple of freedom—as complete a republican structure as was possible to come from the genius of man.

Adoption of the Constitution of 1787.

The convention continued in session four months; and, on the 17th day of September, 1787, the following organic national instrument was adopted:—

Constitution of the United States of America.

We the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the United States of America.

Article I.—*Section* 1. All legislative powers herein granted shall

be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2. The House of Representatives shall be composed of members chosen every second year by the people of the several states, and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several states which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative; and until such enumeration shall be made, the state of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall choose their speaker and other officers; and shall have the sole power of impeachment.

Section 3. The senate of the United States shall be composed of two senators from each state, chosen by the legislature thereof, for six years; and each senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year;

and if vacancies happen, by resignation or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

The vice-president of the United States shall be president of the senate, but shall have no vote, unless they be equally divided.

The senate shall choose their other officers, and also a president *pro tempore*, in the absence of the vice-president, or when he shall exercise the office of president of the United States.

The senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the president of the United States is tried, the chief justice shall preside. And no person shall be convicted without the concurrence of two-thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honour, trust, or profit under the United States; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment, according to law.

Section 4. The times, places, and manner of holding elections for senators and representatives shall be prescribed in each state by the legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing senators.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Section 5. Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorised to compel the attendance of absent members, in such manner and under such penalties as each house may provide.

Each house may determine the rules of its proceedings, punish its members for disorderly behaviour, and, with the concurrence of two-thirds, expel a member.

Each house shall keep a journal of its proceedings, and from time

to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

Section 6. The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States shall be a member of either house during his continuance in office.

Section 7.—All bills for raising revenue shall originate in the House of Representatives; but the senate may propose or concur with amendments as on other bills.

Every bill which shall have passed the House of Representatives and the senate, shall, before it become a law, be presented to the president of the United States; if he approve he shall sign it, but if not he shall return it, with his objections to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the president within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution, or vote to which the concurrence of the senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the president of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

Section 8.—The Congress shall have power

To lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate commerce with foreign nations, and among the several states, and with the Indian tribes;

To establish an uniform rule of naturalisation, and uniform laws on the subject of bankruptcies throughout the United States;

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

To provide for the punishment of counterfeiting the securities and current coin of the United States;

To establish post-offices and post roads;

To promote the progress of science and useful arts, by securing for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries;

To constitute tribunals inferior to the Supreme Court;

To define and punish piracies and felonies committed on the high seas, and offences against the law of nations;

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years;

To provide and maintain a navy;

To make rules for the government and regulation of the land and naval forces;

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions;

To provide for organising, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively, the

appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress ;

To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings ;—and

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof.

Section 9.—The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

No bill of attainder or *ex post facto* law shall be passed.

No capitation, or other direct tax, shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

No tax or duty shall be laid on articles exported from any state.

No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another: nor shall vessels bound to, or from, one state, be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States: and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

Section 10. No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money;

emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

No state shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws: and the net produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

No state shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.—*Section* 1. The executive power shall be vested in a president of the United States of America. He shall hold his office during the term of four years, and, together with the vice-president, chosen for the same term, be elected, as follows:—

Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the state may be entitled in the Congress; but no senator or representative, or person holding an office of trust or profit, under the United States, shall be appointed an elector.

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

No person, except a natural-born citizen, or a citizen of the United States, at the time of the adoption of this constitution, shall be eligible to the office of president; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

In case of the removal of the president from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the vice-president; and the Congress may, by law, provide for the case of removal, death, resignation, or inability, both of the president and vice-president, declaring what officer shall then act as president, and

such officer shall act accordingly, until the disability be removed, or a president shall be elected.

The president shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Before he enter on the execution of his office, he shall take the following oath or affirmation:—

"I do solemnly swear (or affirm) that I will faithfully execute the office of president of the United States, and will, to the best of my ability, preserve, protect, and defend the constitution of the United States."

Section 2. The president shall be commander-in-chief of the army and navy of the United States, and of the militia of the several states, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the senate, to make treaties, provided two-thirds of the senators present concur; and he shall nominate, and by and with the advice and consent of the senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may, by law, vest the appointment of such inferior officers, as they think proper, in the president alone, in the courts of law, or in the heads of departments.

The president shall have power to fill up all vacancies that may happen during the recess of the senate, by granting commissions which shall expire at the end of their next session.

Section 3. He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration, such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such

time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

Section 4. The president, vice-president, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.—*Section* 1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behaviour, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.

Section 2. The judicial power shall extend to all cases in law and equity, arising under this constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states; between a state and citizens of another state; between citizens of different states, between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens, or subjects.

In all cases affecting ambassadors, other public ministers, and consuls, and those in which a state shall be party, the Supreme Court shall have original jurisdiction. In all the other cases beforementioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the Congress may, by law, have directed.

Section 3. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood or forfeiture, except during the life of the person attainted.

ARTICLE IV.—*Section* 1. Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings, shall be proved, and the effect thereof.

Section 2. The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

No person held to service or labour in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labour, but shall be delivered up on claim of the party to whom such service or labour may be due.

Section 3. New states may be admitted by the Congress into this Union; but no new state shall be formed or erected within the jurisdiction of any other state; nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned as well as of the Congress.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.

Section 4. The United States shall guarantee to every state in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

ARTICLE V.—The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this constitution, or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as

part of this constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the senate.

ARTICLE VI.—All debts contracted, and engagements entered into, before the adoption of this constitution, shall be as valid against the United States under this constitution, as under the confederation.

This constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding.

The senators and representatives before-mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation to support this constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.—The ratification of the conventions of nine states, shall be sufficient for the establishment of this constitution between the states so ratifying the same.

Done in convention by the unanimous consent of the states present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty seven, and of the independence of the United States of America, the twelfth. In witness whereof we have hereunto subscribed our names.

GEORGE WASHINGTON,
President and Deputy from Virginia.

Amendments proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the Fifth Article of the original Constitution.

ARTICLE I.—Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people

peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II.—A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III.—No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV.—The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V.—No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

ARTICLE VI.—In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favour, and to have the assistance of counsel for his defence.

ARTICLE VII.—In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise reexamined in any court of the United States, than according to the rules of the common law.

ARTICLE VIII.—Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.—The enumeration in the constitution of certain

rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE X.—The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

ARTICLE XI.—The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.

ARTICLE XII.—The electors shall meet in their respective states, and vote by ballot for president and vice-president, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as president, and in distinct ballots the person voted for as vice-president, and they shall make distinct lists of all persons voted for as president, and of all persons voted for as vice-president, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the senate. The president of the senate shall, in presence of the senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes for president, shall be the president, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as president, the House of Representatives shall choose immediately, by ballot, the president. But in choosing the president, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a president whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the vice-president shall act as president, as in the case of the death or other constitutional disability of the president. The person having the greatest number of votes as vice-president, shall be the vice-president, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list, the senate shall choose the vice-

president; a quorum for the purpose shall consist of two-thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of president shall be eligible to that of vice-president of the United States.

This constitution was reported to the Congress; and, from that body, was sent to the respective states for ratification, in accordance with the following proceedings of the convention, the letter from General Washington, and the resolve passed by Congress.

In Convention, Monday, September 17, 1787.—Present: The States of New Hampshire, Massachusetts, Connecticut, Mr. Hamilton from New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia.

Resolved, That the preceding constitution be laid before the United States in Congress assembled, and that it is the opinion of this convention that it should afterwards be submitted to a convention of delegates, chosen in each state by the people thereof, under the recommendation of its legislature, for their assent and ratification; and that each convention, assenting to and ratifying the same, should give notice thereof to the United States in Congress assembled.

Resolved, That it is the opinion of this convention, that as soon as the conventions of nine states shall have ratified this constitution, the United States, in Congress assembled, should fix a day on which electors should be appointed by the states which shall have ratified the same, and a day on which the electors should assemble to vote for the president, and the time and place for commencing proceedings under this constitution. That after such publication, the electors should be appointed, and the senators and representatives elected; that the electors should meet on the day fixed for the election of the president, and should transmit their votes certified, signed, sealed, and directed, as the constitution requires, to the secretary of the United States in Congress assembled; that the senators and representatives should convene at the time and place assigned; that the senators should appoint a president of the senate, for the sole purpose of receiving, opening, and counting the votes for president; and that, after he shall be chosen, the Congress, together

with the president, should without delay proceed to execute this constitution.

By the unanimous order of the Convention.

GEORGE WASHINGTON, *President.*

WILLIAM JACKSON, *Secretary.*

In Convention, September 17, 1787.—Sir,—We have now the honour to submit to the consideration of the United States in Congress assembled, that constitution which has appeared to us the most advisable.

The friends of our country have long seen and desired that the power of making war, peace, and treaties, that of levying money and regulating commerce, and the correspondent executive and judicial authorities, should be fully and effectually vested in the general government of the Union; but the impropriety of delegating such extensive trust to one body of men is evident: hence results the necessity of a different organisation.

It is obviously impracticable, in the federal government of these states, to secure all rights of independent sovereignty to each, and yet provide for the interest and safety of all. Individuals entering into society must give up a share of liberty to preserve the rest. The magnitude of the sacrifice must depend as well on situation and circumstance as on the object to be obtained. It is at all times difficult to draw with precision the line between those rights which must be surrendered and those which may be reserved; and on the present occasion this difficulty was increased by a difference among the several states as to their situation, extent, habits, and particular interests.

In all our deliberations on this subject, we kept steadily in our view that which appears to us the greatest interest of every true American—the consolidation of our Union—in which is involved our prosperity, felicity, safety, perhaps our national existence. This important consideration, seriously and deeply impressed on our minds, led each state in the convention to be less rigid on points of inferior magnitude than might have been otherwise expected; and thus the constitution which we now present is the result of a spirit of amity, and of that mutual deference and concession which the peculiarity of our political situation rendered indispensable.

That it will meet the full and entire approbation of every state, is not, perhaps, to be expected; but each will doubtless consider, that had her interest been alone consulted, the consequences might

have been particularly disagreeable or injurious to others; that it is liable to as few exceptions as could reasonably have been expected, we hope and believe; that it may promote the lasting welfare of that country so dear to us all, and secure her freedom and happiness, is our most ardent wish.

With great respect, we have the honour to be, sir, your excellency's most obedient humble servants.

By unanimous order of the Convention.

GEORGE WASHINGTON, *President.*

His Excellency the President of Congress.

Whereupon Congress passed the following resolution:—

Friday, September 28th, 1787.—Present: New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Virginia, North Carolina, South Carolina, Georgia, and Maryland.

Congress having received the report of the convention lately assembled in Philadelphia—

Resolved, unanimously, That the said report, with the resolutions and letter accompanying the same, be transmitted to the several legislatures, in order to be submitted to a convention of delegates chosen in each state by the people thereof, in conformity to the resolves of the convention made and provided in that case.

RATIFICATION OF THE CONSTITUTION BY THE STATES.

The constitution thus formally came before the state legislatures. In some of the states, it was promptly adopted; in some others it was ratified, after much opposition; and, in others, it was rejected. It was not submitted to the popular vote in all the states; but it was considered in the legislatures and in conventions, composed of delegates elected for that purpose. In ten of the states it was ratified, on and before the 26th of June, 1788. These ten states were then organised under the new constitution; leaving the three others—viz., New York, Rhode

Island, and North Carolina, as remnants of the confederation organised in 1781, as a "perpetual union."

Organisation of the United States' Government.

On the first Wednesday in January, 1789, ten states appointed electors to vote for president of the new government. On the first Wednesday in February thereafter, the electors for each state met at their respective capitals, and voted for the first president, and Washington was elected. In the meantime, the state of New York repealed its conditional ratification of the constitution, and agreed to join the new government, hoping to secure certain changes of the constitution in the future: but these proceedings of New York took place after the time fixed for the appointment of presidential electors; and hence that state did not vote for president. Congress was ordered to convene on the 4th of March, 1789, in the city of New York; but there was not a quorum present, and it was adjourned, to meet again on the 1st of April, on which day the first Congress under the constitution assembled. On the 30th of April, 1789, George Washington was inaugurated as the first president. Thus commenced the constitutional government, composed of eleven states, all of which seceded from the confederation of 1781, leaving but two members in that "perpetual union." These were Rhode Island and North Carolina. As the Union had been dissolved by the secession of eleven states, the whole structure fell; and, on the 1st of April, 1789, on the organisation of the constitutional government, there were three independent republics, resulting from the political

revolution of that era: one composed of the eleven states; another of Rhode Island; and the third of North Carolina. Every possible effort was made to induce the two independent sovereign states to join the new government; and, for a time, they seemed to be determined never to ratify the constitution. North Carolina yielded, and joined the new confederacy on the 21st of November, 1789; but Rhode Island continued inexorable. There was a powerful opposition among the people to the ratification of the constitution; and that state maintained its independence until the 29th of May, 1790, being nearly two years after the constitutional government had been adopted by the ten seceding states. The Union, finally, with the independent republic of Rhode Island, completed the organisation of the thirteen United States, and established the great American nation—the wonder of the most wonder-teeming age.

We have thus briefly traced the formation of the new government of the United States, under the constitution, framed in 1787. It is only left for us to remark, that this great organic code of the Union was never adopted by a vote of the people. The conventions of the states ratified it; but we are unable to find that a single state entered the Union by a vote of the people.

CHAPTER VIII.

The Government of the United States; Legislative, Executive, and Judiciary Departments.

In the preceding chapter we have given a hurried history of the constitution of the United States, and a copy of that organic instrument. We now propose to explain a few formalities observed in its execution. In some respects this federal constitution was modelled after the prior-existing government of Virginia, and some of the other colonial states. It creates three distinct divisions—the legislative, executive, and judiciary.

The Legislative Department.

This body is called the Congress, and is composed of two branches—the senate and House of Representatives. It has two regular sessions, and exists for a term of two years, dating from the 4th of March, biennially. The first session begins on the first Monday in December succeeding a presidential inauguration, and is called the "long session," because it generally continues from six to eight months; and it legally exists until the first Monday of the next December, on which day the "second session" commences. This latter is called the "short session," because it terminates, by law, on the succeeding 3rd of March. At the close of the short session, every member

of the House of Representatives, and one-third of the senators, retire.

The senate is the upper branch of Congress, and consists of two members from each state, who are called "senators." They are elected by the legislatures of their respective states, for a term of six years. One-third of the senators retire every two years, as may have been decided by lot; but the terms of the senators of any one state do not expire at the same time. They are elected on joint ballot, by the senate and House of Representatives of the state. Thus, if the state senate consist of twenty-five members, and the house of a hundred members, the congressional senatorial candidate to be elected, must receive the vote of at least thirteen senators, and fifty-one representatives of the respective houses of the state legislature. Some states elect by a joint session of the two houses. The United States' senate, as thus organised, is composed of representatives from the states as sovereignties; and all the states, large and small, have the same powers, and equal representation. The state of Delaware, with its 59,096 population in 1790, had the same number of senators in Congress, as the great state of Virginia had with its 748,308 population. Rhode Island, with its 69,110, had the same number of senators as South Carolina, with its 249,073. At this time (1862), Oregon, with its 52,464 population, has two senators in Congress; the same that Virginia has, with its 1,596,083; the same that New York has, with its 3,837,543 people. Kansas, with its 107,110, has the same number of senators as Kentucky, with its 1,155,713; and Florida, with but 140,439 inhabitants, has

the same power, in the senate, as Pennsylvania has with its 2,906,370. With respect to territory, the states are considered as but equals. Thus Rhode Island, with an area of 1,306 square miles, had the same vote in the United States' senate, in 1790, as Virginia had with its 99,032 square miles; and the same, at the present time, as Texas, with its immense domain of 237,504 square miles. The senators, therefore, are the representatives *immediately* of the state sovereignty, and *mediately* of the people. At the present time there are thirty-four states forming the Union; and there are sixty-eight senators composing the senatorial branch of Congress. The vice-president of the United States presides over this body.

The House of Representatives is called the "lower house" of Congress, and is composed of representatives direct or *immediately* from the people. They are elected for a Congress—a term of two years. The representation in this branch of the Congress is based upon population; the present ratio being 126,844. Every state is entitled to at least one representative, whether it possesses the ratio of population or not. Thus Oregon, with but 52,464 people, has one member in the lower house of Congress; and, at the same time, the state of Kentucky has an unrepresented surplus over the ratio for its eight members, of 50,765; and Vermont has 61,428 surplus over its two members. From these figures it will be seen that the lower house of Congress is not solely a representative assembly of the people, as common to the whole nation; but that the sovereignty of the state, the great corporate commonwealth, is therein represented. The members of this branch of

Congress, therefore, are the representatives *immediately* of the people, and *mediately* of the state sovereignty. The state of Delaware, with its 112,218 inhabitants, has the right to *cast* the same vote for president of the United States, as the state of New York, with its 3,887,542, in case the people should fail to elect a president, as was the case in 1824. Oregon, Florida, Delaware, and Rhode Island, as states, are entitled to one representative each, although neither of them has the ratio of inhabitants. The lower house, therefore, consists of a mixed representation.

The members of the House of Representatives are elected by the people, in each respective congressional district. Formerly they were elected by the aggregate vote of the state; but now they are elected by districts, which are formed by the legislature from time to time. Thus, suppose a state has a population of 1,268,440, it would be entitled to ten members upon the present ratio of 126,844. The state would, in this case, be divided into ten districts, each of which would elect a representative of the lower branch of Congress.

The house consists of 233 members, plus the representatives from the states admitted between the decennial apportionments; and the delegates from the organised territories. The delegates from the territories, however, have a right to speak through courtesy; but they cannot vote when the ayes and noes are called. In the preceding we have explained how the members of the two branches of Congress are elected. It remains for us to state, that these two divisions of the Congress are co-operative, and constitutionally co-ordinate: practically,

however, the senate is of pre-eminent rank in every respect, when compared with the house. Bills can originate in either house, excepting for the raising of revenue, as specified in the constitution. But no bill can become a law until passed by both houses, in conformity with their respective rules. The senate can be convened during the recess of the houses, for the purpose of ratifying treaties, and confirming presidential appointments; such as ministers to foreign courts, &c.

The Executive Department.

The executive functions of the government of the United States, are performed by a president elected for a term of four years—not by the people immediately, but by electors assembled in state electoral colleges. The people never voted for a president; nor is it possible for them to do so under the present constitution. Washington's electors were chosen, in nearly all the states, by the legislatures. The people never voted for him; and in South Carolina, the people never have voted for a presidential candidate, either direct or indirect. In each state except South Carolina, at the present time, the people ballot for their own state electors; and these electors elect the president and vice-president. A state is entitled to appoint as many electors as it has representatives in the two houses of Congress: thus, if it have ten members in the lower house, they, with the two senators, make twelve—the number of presidential electors the state is entitled to elect. Therefore, the number of electors for the whole United States, is equal to the numerical representation in Congress—at present, 233

members of the lower house, and 68 of the senate; making a total of 301 electoral votes. The president and vice-president are elected by a majority of these representatives of the sovereignties of the states. They do not assemble together from all parts of the Union; but the electors of each state meet at their own capital, and formally and publicly organise. Each member of this body can vote for whom he pleases. The majority in this assembly does not determine the choice of the state; but each elector is independent of the other. The record of the ballot thus cast, *vivâ voce*, is sealed and transmitted to Washington, where, on the second Wednesday in February succeeding, it is opened by the vice-president of the United States, in the presence of the two houses of Congress assembled together. On this occasion takes place the election for the president and vice-president. The election by the people for the presidential electors, takes place in the respective states on the first Wednesday in November: the electors meet in their respective states on the first Wednesday in December; and on the second Wednesday in February, the ballots are opened by the vice-president, before the two houses of Congress assembled together.

The president is vested with certain powers, as prescribed in the constitution, and as may be delegated to him from time to time by Congress. The vice-president presides over the senate; and, in case of the death of the president, he succeeds to that office.

The Judiciary Department.

The Supreme Court of the United States, with appellate jurisdiction, sits annually in Washington city. There are nine judges, one of whom is styled the chief justice. These judges preside over certain federal judicial circuits, one of which may comprise several states. In each state there is a federal district judge. There is, therefore, a federal or United States' court in each state, over which presides the United States' circuit and district judges for the state, and the former as chief. There is but a nominal difference between the sittings of this tribunal as a "district" or as a "circuit" court. If the federal judicial theory were practically carried out, there would be thirty-four district courts—being one for each state; and thirty-four district judges. There would, also, be nine United States' circuits—being one circuit for each of the judges of the Supreme Court at Washington; and each of these judges should preside at a court in each state once or twice each year. But this is not the case. The country has expanded beyond the judicial organisation, and several of the states never have the presence of circuit judges.

The federal courts have jurisdiction only in national affairs—cases originating under the constitution, or the laws of Congress, such as patent and copyrights, &c. The judges are appointed by the president, and confirmed by the senate; and they continue in office during good behaviour. The function of the judicial departments of the government is to interpret the laws, and to define their meaning. The legislature enacts the laws; the judiciary

interprets them; and it is the sworn duty of the president to execute them as thus enacted and defined.

We have, in the preceding remarks, briefly explained the practical organisation of the government of the United States, under the constitution of 1787. That great charter was adopted by the delegates from eleven of the thirteen states; and subsequently to the organisation of the government, in 1789, it was ratified by the states of North Carolina and Rhode Island, which consummated a union of the whole of the thirteen colonial members of the confederation. These independent sovereign republics *delegated* to the United States' government the powers incorporated in the constitution. In this manner they gave birth to a new republic! Its career has been rapid, prosperous, and full of import: the civilised world has appreciated its greatness: nations have admired the splendour of its escutcheon. It remains with the people of that great republic to determine whether or not they will continue as one nation, united in affection; and the *excelsior* in noble deeds, having in view the general amelioration of the condition of man.

CHAPTER IX.

The President and Cabinet of the United States' Government.

The President and his Cabinet.

The executive department of the United States' government is vested in the president. He is the sole responsible agent of the nation respecting administrative affairs. He appoints the heads of the respective departments, foreign ministers, and consuls; all the postmasters throughout the country, custom officers, land and Indian agents, territorial officers, district marshals and attorneys—all of whom he can dismiss at pleasure, without accountability to any person or branch of the government. Many of the appointments have to be confirmed by the senate; but the removal of any of the above officers is within the power of the president. Nearly all of the deputy-postmasters are nominated by the postmaster-general. The office of the president, or executive, is created by the constitution; but all the foregoing officers are authorised by congressional law. He also appoints the judges of the federal courts, but he cannot remove them. The constitution provides for their removal by impeachment.

The cabinet is an unauthorised assembly, and is composed of the president, and the heads of the respective departments—namely, the secretaries of state; navy, war, treasury, interior; postmaster-general, and the attorney-

general: in all, numbering eight. On a given day of the week these different officers meet together at the president's house, and assemble around a table, the president acting as chairman. There is no special ceremony observed—no more than at the assembling of a board of directors of a railway company. The president presents to the meeting such questions as he may deem important, upon which he wishes the opinions of the subordinates there assembled. Each, in turn, discusses the subject presented; and sometimes a vote is taken upon the question, the president voting as but one of the eight. At other times he requests the opinions of those present, and does not take a vote upon the affair, but acts upon the information obtained, according to his own judgment. After the president has nothing further to present for the consideration of the meeting, the members of the cabinet, in turn, submit such questions as pertain to their respective departments, upon which advice may be desired. The president and others discuss the measure submitted; and a vote may or may not be taken, as preferred by the member proposing the subject for consideration. Notwithstanding all this formality, the president can say to any and all of his cabinet officers to do as he directs. He can wholly disregard their advice, as is sometimes the case; and if they fail to comply with his directions, he removes them, and appoints others who will be obedient. Prior to 1829, the postmaster-general had been looked upon as the head of a *bureau*—the same as the commissioner of patents at the present time: but President Jackson invited Mr. Barry to a seat in his cabinet meetings; since

which time the head of the post-office department has been considered a regular member of the cabinet. During Washington's administrations there were only three principal departments—the state, treasury, and the war and navy. Since that period, Congress has increased the number of departments, commensurate with the necessities of the government. It was the practice of Washington to send for any one of the heads of the departments, to consult with, singly, about questions pertaining to their especial branch of the service; but it was not usual for him to consult with the whole of them assembled together. We have no evidence that he held what is, at the present day, styled cabinet meetings, though he occasionally assembled the three secretaries together as a council; but these consultations had not the formality nor the force common to the cabinet meetings at the present time. The secretaries of the departments were looked upon merely as assistants to the president; and they were held to be of very subordinate importance as compared to the position now accorded to those officials. Jefferson, who was a member of Washington's cabinet, was of opinion that neither branch of Congress had a right to call upon the heads of the departments for information or papers, except through the president. But this formality faded away; and the settled practice, for many years past, is to call upon them for information and papers, by a mere resolve of either branch of Congress; and a failure to comply would be considered an indignity.

During the first presidential terms, Congress occasionally requested the presence of the heads of the departments, to explain verbally some especial question; but

this custom has long since been abandoned; and all communication between the houses of Congress and the departments, is by correspondence. It was the practice of Washington and Adams, to deliver their messages in person to the two houses of Congress in joint session; but during the administration of Mr. Jefferson, in 1801, the rule was changed, on account of the inconvenience of assembling the two branches of Congress together in the same room. Since that date the president has never delivered his annual message in person.

Thus it was, step by step, that the executive department of the government drifted into the present mode of action. The House of Commons of the British parliament may pass a vote of a want of confidence in the heads of the departments of the government: when this takes place, the ministry resign, and the sovereign appoints another ministry, or heads of the departments, who are known to be of opinions in harmony with the majority in the House of Commons. This produces a change of government; and may take place every year, or oftener. There is no such proceeding known in the system of the United States' government. If Congress were to pass a vote of want of confidence in the president or his cabinet, in whole or in part, it would be an exercise of excessive authority; and, practically, in violation of the constitution. There are times when the president and his whole cabinet do not command the confidence of either branch of Congress; but there is no remedy for such a misfortune. Within six months after Mr. Tyler became president, in 1841, a vote of want of confidence could have been passed, almost

unanimously, by both houses of Congress; and, in fact, during the whole of his presidential term, neither the president or his cabinet had the confidence of either branch of Congress; hence the administrative term of Mr. Tyler has been vulgarly called a parenthesis in the governmental annals.

If Congress were resolved upon the removal of either of the heads of the departments, it could be done by enacting a law abolishing the office, and merging the duties into another; or by the establishment of a new organisation. In that case the president might re-nominate the objectionable man; but the senate could refuse to confirm the appointment; and then the president would have to continue nominating, until the senate agreed to the person proposed.

From the preceding facts, the reader will observe that "the cabinet" is unknown to the constitution and laws of the United States; that it is an informal meeting of the president and his secretaries; that the action of the meeting is not binding upon either of those present; and that the president can act in the administrative affairs of the government conformably to the opinions of his secretaries, or he can totally disregard them; and further, he can, if he wish, require the secretaries to conduct their respective departments according to his own directions: and if they should refuse, as was the case with Mr. Duane, in 1833, the president has only to say, "Your services, Mr. Secretary, are no further required by the government;" and the successor takes possession of the department immediately; or perhaps he may be the bearer of the dismissal letter of his predecessor.

CHAPTER X.

History of the Apportionment System for Representation in the House of Representatives.

History of the Apportionment System.

The representation of the people in the lower house of Congress, is, and has ever been, regarded with the most anxious sectional solicitude. In the confederation Congress, the representation was to consist of not less than two, nor more than seven, members from each state. All voting was done by states, each being equal to the other. We learn from *Curtis on the Constitution*, that when the articles of confederation were framed and adopted in Congress, a valuation of land, and the other property enumerated in the states, as the rule of proportion of taxation, was adopted instead of numbers of inhabitants, in consequence of the impossibility of harmonising the different ideas of the northern and southern states, as to the rate at which slaves should be counted; the northern states, of course, wishing to have them counted in a near ratio to the value of white labour; and the southern states wishing to diminish that ratio. If the slaves had been counted in full, the tax upon the southern states would have been very heavy compared with the ratio of whites. To reduce their taxes, the southern states opposed the counting of the slaves as the equals of white labour. Those

states would have preferred a numerical ratio, instead of a valuation of lands and other property, if they had been allowed to count the slave as but equal to half a white. But the eastern states were opposed to this rule of reduction; and if the slaves had been reckoned as equals to the whites, the taxes would have been less in the northern states. In 1783, when it was proposed to change the rule of proportion of taxation from land to numbers, the first compromise, suggested by a delegate from Connecticut, was to include only such slaves as were between the ages of sixteen and sixty. This was found to be impracticable, because, in many cases, the ages could not be established; though the proportion would have been satisfactory to the south, as the number under sixteen would have been about one-half of the 440,000 slaves then supposed to be in the south. It was finally agreed, on all sides, that instead of settling the proportion by ages, it would be better to fix it in absolute numbers, and that the rate should be three-fifths. The southern states agreed to the proposition, to pay into the national treasury a tax levied upon them according to the white population, and three-fifths of the slaves; that is to say, if Virginia had, as was supposed, 280,000 slaves, and 252,000 whites, Congress could have levied a tax upon the state for the 252,000 whites, and 168,000 of the slaves —being three-fifths of the 280,000. If the tax were one dollar per head, Virginia would have been debtor to the national government the sum of 420,000 dollars.

In 1781, Congress levied a tax upon the thirteen colonial states, amounting to 8,000,000 dollars, which was apportioned among the colonies; of which Pennsylvania

paid 1,120,794 dollars; and Virginia, 1,307,594. The white population of the former was about 340,000, and of the latter about 220,000. The greater value of the lands of Virginia, gave to that state the larger proportion. Three-fifths of the slaves, at that time, amounted to 130,000; making the total population in Virginia, upon the three-fifths basis, about 350,000. The taxable ratio would have been nearly the same in the two states; yet Virginia had to pay 186,800 dollars more than Pennsylvania's assessment. Experience soon proved that it was difficult to carry out the rule to tax the lands by congressional assessment upon the states; and in 1783, Congress recommended, in conformity with the powers it possessed under the articles of confederation, that the quota should be according to the number of free people, including three-fifths of those bound to servitude—excluding Indians not taxed. This, however, was not carried into effect, though eleven of the thirteen states adopted it. The proportion, as a representative basis, was subsequently adopted by the constitutional convention.

In 1787, when the convention was framing the constitution of the United States, the interest of the eastern and southern states occupied reversed positions. The convention determined to adopt a representation, in the lower house of Congress, according to population, without regard to land taxation. With this rule, the power of the south would have been increased by counting the slave as the equal of the white.

As the constitution was being framed, the south expressed a readiness to have representation and taxation

regulated by the same rule, and to count the slaves as taxable at the same rate as the whites; but, in that event, representation must be upon the same basis as the taxation. The northern states, on the other hand, resisted the direct introduction of the slaves into the apportionment as persons. Here was an issue between the north and the south that seemed to be beyond reconciliation. The south insisted upon recognising the slaves as persons; and the north opposed it, and refused to consider them except as property. A solution of these complications, however, was attained by compromise; and as Mr. Curtis interprets the proceedings of that memorable assembly, it was founded on mutual conciliation, and a desire to be just. The two objects to be accomplished were, to avoid the offence that might be given to the northern states, by making the slaves, in direct terms, an ingredient in the rule of representation; and, on the other hand, to concede to the southern states the right to have their representation enhanced by the same enumeration of their slaves that might be adopted for the purpose of apportioning direct taxation. These objects were effected by an arrangement proposed by a delegate from Pennsylvania. It consisted, first, in affirming the maxim, that representation ought to be in proportion to direct taxation; and then by directing a periodical census of the free inhabitants, and three-fifths of all other persons (slaves), to be taken by authority of the United States; and that the direct taxation should be apportioned among the states according to this census of persons. Thus the rule was proposed, by the delegate from Pennsylvania, that the slaves should only be counted

as three-fifths. The vote on this was as follows:—Connecticut, Pennsylvania, Maryland, Virginia, North Carolina, and Georgia—ayes, 6: New Jersey, Delaware—noes, 2. Massachusetts and South Carolina were divided. In these early discussions, the eight states north of Mason and Dixon's line were considered as non-slaveholding; those south of it were called slaveholding states; and legislation, at that early day, had thus assumed a sectional bearing. The eight northern states had an estimated population of 1,495,000; and the southern states had 766,000 whites and free negroes, and 520,000 slaves—three-fifths of which would be 312,000; making a representative basis of 1,078,000, and a total population of 1,286,000.

TABLE A.—*Representation in the House of Representatives, according to the Constitution of* 1789, *and of the Census of* 1790.

STATES.	Representation by Constitution—1789.	Representation by Census: 1790.	STATES.	Representation by Constitution—1789.	Representation by Census: 1790.
New Hampshire....	3	4	Delaware	1	1
Massachusetts.....	8	14	Maryland	6	6
Rhode Island.....	1	2	Virginia	10	19
Connecticut.....	5	7	North Carolina ...	5	8
New York.....	6	10	South Carolina ...	5	6
New Jersey.....	4	5	Georgia	3	2
Pennsylvania.....	8	13			

Total representatives in 1789, 65; total according to census of 1790, excluding fractionals and the population of the districts of Maine, Vermont, Kentucky, and Tennessee, 97.

TABLE B.—*Decennial Congressional Apportionments and Representative Population (including the Inhabitants of Maine, Vermont, Kentucky, and Tennessee, for* 1790*) for the Lower House of Congress, from* 1790 *to* 1860*, inclusive.*

Date.	Ratio of Representatives.	Representative Population.	Date.	Ratio of Representatives.	Representative Population.
1790	33,000	3,650,669	1830	47,700	12,019,698
1800	33,000	4,935,926	1840	70,680	16,026,537
1810	35,000	6,841,403	1850	93,423	21,767,673
1820	35,000	8,992,737	1860	126,844	29,487,179

TABLE C.—*Apportionment and Census of the Non-Slaveholding States, for* 1860.

STATES.	Population.	No. of Representatives.	Fraction over.
Maine	628,276	5	*120,900
New Hampshire	326,072	3	*72,384
Vermont	315,116	2	61,428
Massachusetts	1,231,065	10	*89,469
Rhode Island	174,621	1	47,777
Connecticut	460,151	4	*79,619
New York	3,887,542	31	*72,222
New Jersey	672,031	5	37,811
Pennsylvania	2,906,370	23	*115,802
Ohio	2,339,599	18	56,443
Indiana	1,350,479	11	*82,039
Illinois	1,711,753	14	*62,781
Michigan	749,112	6	*114,892
Wisconsin	775,873	6	14,809
Iowa	674,948	5	40,728
Minnesota	162,022	1	35,178
Kansas	107,110	1	—
California	380,015	3	*126,327
Totals	18,852,155	149	1,230,609

TABLE D.—*Apportionment and Census of the Slaveholding States, for* 1860.

STATES.	Free Population.	Slave Population.	Total Population.	Federal Representative Population.	Number of Representatives.	Fraction over.
Delaware . . .	110,420	1,798	112,218	111,499	1	—
Maryland . . .	599,846	87,188	687,034	652,158	5	17,938
Virginia . . .	1,105,196	490,887	1,596,083	1,384,532	11	*116,092
North Carolina .	661,586	331,081	992,667	860,234	7	*99,170
South Carolina .	301,271	402,541	703,812	542,795	4	35,419
Georgia	595,097	462,230	1,057,327	872,435	7	*111,371
Alabama . . .	529,164	435,132	964,296	790,243	6	29,179
Florida	78,686	61,753	140,439	115,737	1	—
Louisiana . . .	376,913	332,520	709,433	576,425	5	*69,049
Texas	420,651	180,388	601,039	528,883	4	21,507
Mississippi . . .	354,699	436,696	791,395	616,716	5	*109,340
Tennessee . . .	834,063	275,784	1,109,847	999,533	8	*111,625
Kentucky . . .	930,223	225,490	1,155,713	1,065,517	8	50,765
Arkansas . . .	324,323	111,104	435,427	390,985	3	10,453
Missouri . . .	1,058,352	114,965	1,173,317	1,127,331	9	*112,579
Total . . .	8,280,490	3,949,557	12,230,047	10,635,023	84	894,487

The estimates for the northern states, in Table A, include the slaves, numbering about 50,000, because their emancipation was considered as certain within a few years thereafter. The ratio of representative population was ultimately fixed at 33,000; and, until a census could be taken, each of the states was allotted a given number of delegates. Table B exhibits the decennial apportionments and representation for the lower house of Congress. Table C shows the representative population of the northern or non-slaveholding states. The total population of the United States, according to the census of 1860, was 31,429,891. Deducting from this number the population of the "Territories," of the district of Columbia, and two-fifths of the slaves, then we have what is called the representative population, amounting, in the northern states, to 18,852,155; and, in the southern states, 10,635,023: total, 29,487,178. In order to ascertain the number of representatives each state is entitled

to, 233 (the number of members composing the lower house of Congress) is made the common divisor, and the quotient is the state representation. According to Table C, there are 139 members produced by the divisor, leaving a total of 1,230,609 as the fractional remainder. Dividing the representative population of the southern states (Table D) by the common divisor, 233, the quotient will be 77; leaving a fractional remainder, 894,487. Adding together the two quotients, we only have 216; leaving a deficiency of 17. This deficit is supplied by taking from the fractional remainders, the seventeen highest numbers, to each of which we have added a star. In the column of the number of representatives we have added the plus members.

On examining the slave population, it will be seen, that of the 3,949,557, there are two-fifths, or 1,579,823, not represented in Congress. Here, then, is a very large number of people excluded from representation: if counted, the south would be entitled to six more members. The northern states would have 143 instead of 149 representatives, as under the present apportionment. But, according to the constitution, the entire slaves cannot be represented; and we are unable to find any evidence to prove, that either the north or the south has sought for a representation of those disfranchised slaves. It seems to us, however, that all the slaves of the south are as much entitled to be represented as many thousands of other persons who are, both in the north and in the south.

The reader may doubt the propriety of counting the slaves as persons, while they cannot, by the laws of the

slaveholding states, enjoy the right of suffrage. The question may be answered by reference to the constitutional sanction for the representation of three-fifths of the slaves, who have no suffrage: and we need but refer to the fact, that, of the thirty-four states of the Union, there are only five of them that permit free negroes to vote; and some of the five require special qualifications. In all the other northern states they have no suffrage. Besides the free negroes, there are a large number of white paupers, released felons, and others, disfranchised: yet, in the apportionment, every man, woman, and child is counted, whether white or black; and no class of people is excluded, except the two-fifths of the slaves. But this was the contract when the constitution was adopted: the south, however, has never proposed any change in the premises.

It will be observed, that the constitutional provision, authorising three-fifths of the slaves to be counted in the representative apportionment of a state, does not limit the slaves to any particular place of habitation. If all the slaves were taken from Virginia, and located in Texas, the representation of Virginia would be less, and that of Texas would be more. The 3,949,557 slaves are in the fifteen southern states. If other slaveholding states were added to the Union, the slave representation in Congress would be precisely the same as it is at the present time. The southern states would not gain a single member of Congress, nor would the northern states lose one.

CHAPTER XI.

Presidential, Congressional, and State Elections; the Effects of the General Election System in the States of the Union; the Popular Elections of the Ancient Republics.

Presidential Elections.

We propose, in this chapter, to describe the formalities observed in the national and state elections. We have already shown that the United States' government is not a republic of the people; but that it is mixed—composed of state sovereignties in part, and of the people in part. The sovereignties elect the president and the senate; the people elect the lower branch of Congress; the judiciary is appointed by the president, and confirmed by the senate. The only officers, therefore, of the United States' government elected by the people, are the members of the House of Representatives—a branch of one of the three divisions of the government. The framers of the constitution wisely placed the selection of all the officials of the government, except the representatives, beyond the people. The electors were, in nearly all the states, originally chosen by the legislatures. In November, 1788, the legislature of Virginia divided the state into electoral districts, and each division elected its own presidential elector. From time to time the other states placed the selection of the electors with the people, either by districts or by the

aggregate vote of the state; South Carolina being the only exception at the present time.

The existing practice affords an opportunity for the people to vote for the president in imagination; and with many thousands the deception is complete. It is usual for the respective political parties to nominate their electors, who, in each state, are equal in number to the representatives sent to both branches of Congress by the state. For example, let us take the state of Delaware, which has two senators, and one representative in Congress; it would have three presidential electors. The democratic, whig, Union, republican, or other parties, each through a convention, nominate three candidates; or three persons may announce themselves as independent candidates, only promising to vote for president as they may in their wisdom consider best. The party electoral candidates are considered as pledged to vote for the presidential candidate of those nominating them. These nominations are sometimes made six months before the election, which takes place in November. A national convention of delegates from each state assembles at some convenient place, and nominates the candidates for president and vice-president; and the convention announce a code of principles, which is called a "platform." The state conventions nominate the electoral candidates, generally before the presidential candidates are selected; but it is understood that the electors will vote for the presidential nominee of the national convention. In the meantime the electoral candidates travel over the state, and discuss the national issues, advocating their respective party doctrines. These

are exciting times. Whisky is an important auxiliary. In some sections the parties have regular places where they have whisky free to their own voters. A man enters the saloon, announces his intention to vote for a certain party, and he is invited to drink. Now there are many thousands to whom the grog is an object; and the return of the presidential election is anxiously looked for as a jubilee time. We must admit that this is a species of corruption, and one of the most serious character. Had the legislatures retained the election of the electors, the nation might not have been in its present disruptive condition. It is proper to state, however, that the whisky system is not universal: for example, in some of the eastern states, where the Maine liquor law has been enforced, not even the quiet citizen can purchase liquor without an order from a physician.

In some of the states the balloting is very formal. In Virginia and Kentucky the vote is taken *vivâ voce*. In Maryland, and many other states, it is by an open ticket, which may be folded, so as to prevent the judges from seeing the names voted for. In Massachusetts, the ballots are inclosed in envelopes furnished by the state, in order to secure a system of secret voting; but, according to our observation in this state, the system has proved, practically, a farce. The opponents of secret voting cry aloud that it is cowardly to cast a secret ballot, and no man wishes to be ashamed of his choice. If he did not tell who he voted for, he would be subjected to the insinuation that he was not a freeman; and that is a delicate question with an American! In 1840, the Whig party swept the

democracy from power by the most overwhelming vote that had ever been given by the nation. Those who abandoned the democratic party were called "straight-outs;" and in some states, they voted with a peculiarly printed ticket. Some were yellow pasteboard, about two inches wide, and three, four, or more inches long; on which was printed, at the top, a raccoon, with a long bushy tail; and, on the tail, was printed, "hard cider." Some had an engraving of a log-cabin, with "the latch-string out." For the young man who was to give his "maiden vote" a beautiful ticket was got up, with the figure of a maid printed on it. At that election, all the diversified mechanical and agricultural symbols ornamented the tickets cast by voters occupied in those respective pursuits. The elections of 1840 and 1844 were the most exciting that have ever taken place in the United States. Then the parties were about six months in contest. Mass conventions of the people were held in different parts of the Union. One of the most remarkable of these assemblies was held at Baltimore, in May, 1840. Thousands of delegates, from all the states, gathered at that city. A log-cabin, full-size, was carried on a waggon some 400 miles from the west, and across the mountains to Baltimore. In the cabin was a variety of raccoons—the principal symbol of the party. In the towns, throughout the whole Union, the people met nearly every night, and heard speeches. Glee-clubs were formed to sing the party songs at the different gatherings. Processions, with flags, bands of music, and songsters, marched and counter-marched; and, in the small towns, women of the first respectability formed a part of them.

The abolitionists, in 1844, adopted pictures, representing the slaves in chains; some were being whipped with a cat-o'-nine-tails, &c. Besides these useless devices, the tickets had printed upon them some leading political principle. In the southern states, the words "free trade" were generally employed by the democratic party. In the northern, the Whigs used "protective tariff," "national bank," &c., as their watchwords. Below these mottoes were printed the words—"for presidential electors;" and then followed the names of the candidates. At the polls the tickets are taken by the judge of the election, and deposited in the ballot-box. In Kentucky, the judges ask the question, "Who do you vote for?" and the voter announces the names of the candidates; or he may say he votes for the democratic or the republican ticket; and his choice is understood. His name is recorded as voting for the persons nominated by the political party mentioned. The results of the elections are sent by the county officials to the governor of the state, who notifies to the successful candidates that they have been chosen; and that they must appear at the capital of the state on the first Wednesday in December, to give their votes for a president and vice-president of the United States. They attend on that day, and vote for whom they please, either for the party candidates, or for any other persons.

South Carolina is the only state that has adhered to the original mode of selecting the electors—namely, by the legislature. The people of that state have never voted for electors; and there never has been an imaginary election of the president by the people of South Carolina, as prac-

tised in the other states. Even so late as 1824, the states of Delaware, Georgia, Louisiana, New York, Vermont, and South Carolina (being one-fourth of the Union), selected the electors by their respective legislatures. In that year there was no choice of president by the electors; and the selection of that officer was determined by the House of Representatives, as prescribed by the constitution. Each state was entitled to one vote, which carries out the idea that the president is not elected by the people, but by the sovereignty of states.

The imaginary election of the president by the people of the nation is but a farce, consider it in whatever direction the reader may desire. We admit, however, that he is elected through the influence of a plurality of the votes of the people as states. Mr. Lincoln was fairly and constitutionally elected president, yet he failed to get a majority of the popular vote. His electors received 1,857,610 votes of the people; and against these were cast 2,804,560 votes; making a majority against him of 946,950. The vote of California was, for Lincoln electors, 39,173; Douglas electors, 38,516; Breckenridge electors, 34,334; and Bell electors, 6,817: total against Lincoln electors, 79,667, or a majority opposed to Lincoln, 40,554. Notwithstanding these figures he was fairly elected, inasmuch as he stood at the head of the poll, and had, as it is called, a plurality.

In the American system we consider the plurality vote as the choice of the people at all elections; but it can easily be shown, that in case of there being only two candidates, the one receiving the highest number of votes can be defeated.

Suppose Mr. Lincoln had received the whole votes of Massachusetts, New York, Pennsylvania, Illinois, Indiana, Michigan, and Wisconsin, amounting to 2,662,956—a majority of all the votes cast in the Union—yet he would have been signally defeated by the candidate receiving but a plurality of the votes of the other states. His electoral vote would have been 133; and against him, 170. It may be said that such a result will never occur; but it must be remembered that the like did take place in 1860. Mr. Breckenridge carried, by plurality, nine states of the south, in which Mr. Lincoln did not receive a single vote. And, further, we might add to the proposition a vote in the other states, amounting to 1,000,000, making a total of 3,662,956; and yet he would have been defeated by his opponent, with a vote of but 999,214. With such results, who can believe that the president is elected by the popular suffrage?

Congressional and State Elections.

The members of the lower house of Congress are elected by the people. The state is divided by the legislature into congressional districts, and the voters of each elect their own representative. Formerly the members of Congress were voted for by the people of the whole state. Thus, if a state were entitled to ten members, and there were some twenty or more candidates, the voters cast their ballots for ten of them; and the ten having the greatest number of votes were elected. The district system places the candidate nearer to the people of a locality, practically centralising his responsibility. Each of the parties

nominates a candidate for Congress; and, though there may be a dozen, only one can be elected.

We will now refer to the state election, which takes place at different times. Not more than three of the thirty-four states hold elections in the same month in which the presidential electors are chosen.

The governors of the states are elected by the popular votes. The candidates are nominated by the political parties, or they announce themselves independently; and the people of the whole state vote for the respective candidates, according to their choice. In nearly all the states, the candidate receiving the highest number of votes is elected.

The senators, representatives of the legislature, judges, and other officers, are elected by the votes of their respective districts. In most of the states, the judges are elected by the people for a term of years, and re-eligible. Formerly they were appointed by the governor, and confirmed by the senate. The change has been generally made within the past twenty-five years.

The Effects of the General Elective System.

A careful observation of the working of the present elective system in the different states, has taught us to regret that it has been so generally extended. Whenever we have seen candidates for judicial offices travelling a circuit, making public speeches in their own behalf, establishing free drinking-places, and adopting all the other proceedings of candidates for political offices, we have felt a deep solicitude for the permanency of our institutions. We have been unable to perceive that any advantage has

been derived from the policy; but, on the contrary, we have seen issuing from the bench, the most derelict ruling to conform to popular resolve. If the people of the United States could have adhered to the mode and manner of conducting the affairs of the general and state governments, as inaugurated by Washington and his coadjutors, the nation, at this moment, might have been engaged in peaceful pursuits, and in the realisation of the happiest results.

Political writers have doubted the propriety of the long time that elapses between the election of the president and the time of his inauguration, which is about four months. When the government was devised in 1787, the framers of the constitution did not contemplate an election by the people; and the electoral ballot took place in January. It required weeks to carry the post between places where it is now conveyed within two days. There were no railways and telegraphs at that time. The constitution, however, can be adapted to a sliding-scale, to meet the progress of the age, as the time for holding the elections is within legislative enactment. We think the interval is not too long. The new president needs some two or three months to arrange his private affairs, before entering upon his new duties. The retiring executive cannot do any special injury to the country in the meantime, even were he disposed; and it is but fair to consider him to be an honest man. Reference may be made to the late administration, to prove that the retiring president did, by omission at least, embarrass the incoming executive; but it must be remembered, that the laches were with the Congress, then in session. The president

appealed to that branch of the government for action, to preserve the Union; but the lower house was within the control of the republican party; the senate was democratic, and the alarm given by the president was not heeded by either of them. Without the support of Congress he was powerless; and had he exceeded his authority, his impeachment would have been an inevitable consequence.

In latter years there is less disposition among the people to vote for presidential electors than formerly. Many have become discouraged and disgusted with the inferior value of their own ballot. The vote of the greatest statesman is equalled by that of the man who can neither read nor write. But this is not all; nor can we, in the short space allowed us in this work, tell the whole of the objectionable features of our political practice. We may startle the reader; but we can tell him, that we do not believe there was a single voter in New York, Pennsylvania, and some of the other larger states, that could have told the presidential candidates of his own state at the election of 1860! This may seem to be an extravagant expression, but it is too true.

Many of the best men of the nation will not go to the polls, as we have just above stated; but in a republican government, the man who is entitled to a vote, and does not exercise it, is unworthy of having the right: he sacrifices his country's weal by his own dereliction.

Popular Elections of the Ancient Republics.

"Thirty centuries look down upon us!" said Napoleon to his army before the pyramids of Egypt. The whole

civilised world is now anxiously looking upon the deeds of self-destruction, which are at the present time being perpetrated by the people inhabiting the vast regions of our once prosperous and happy Union. Anti-republicans are prone to attribute the causes of this mighty struggle to a supposed natural and inevitable instability of a popular government. The Roman republic flourished for a time; and now its history is written as the rise and fall of the empire. A like fate for the United States has been often predicted by statesmen, orators, and authors. Had the Union been a republic of the people, and not a mixed government, between thirty-four petty sovereignties and the people of each, it might have been, at the present time, a united people in affection and common interest. We have already shown that the election of the people for president is but an imagination—a farce—deceptive to our own people and the rest of the world. Organised as our nation was by the sovereign states, it would have been better to have adhered to the mode generally pursued in the election of the earlier presidents, and not have submitted the question to the people in any form. It would also have been better to have abandoned all state sovereignties, and to have made the states the creatures of the general government—each holding and enjoying *delegated*, instead of vested powers; but the states would never have agreed to the creation of such a consolidated nation. In that case the people might have voted direct for the president.

We are pained to admit, that the continuation of the United States' government, under the existing constitution, is beyond probability: we have the hope, however,

that reason will be restored to our people; and that they will, as they did in 1787, meet together, and frame another governmental charter, better suited to the age and the especial wants of the nation. If, however, the states can no longer remain united, and the people, as the Jews, can only exist as scattered fragments, without even a nominal government, they will only be like other nations that have come and gone, many of which can be found on the historic pages of the dim past. Republics and monarchies have sprung into existence, and, like comets, brilliantly illuminating the canopy of nations—then fading away; leaving their pathway darker than before their appearance.

Let us scan the past, and see if the Roman republic fell by the hands of the people. And, we would ask, what era of its career was the most noted for progress—the most glorious in arms—the most celebrated in letters—the most renowned in arts—the most happy in the condition of the people? We answer, it was when the people voted directly for the executive. And, as the statesman Benton said, take the history of that commonwealth, which yet shines as the leading star in the firmament of nations. Of the twenty-five centuries that the Roman state has existed, to what period do we look for the generals and statesmen, the poets and orators, the philosophers and historians; the sculptors, painters, and architects, whose immortal works have fixed upon their country the admiring eyes of all succeeding ages? Is it to the reign of the seven first kings?—to the reign of the emperors, proclaimed by the prætorian bands?—to the

reign of the sovereign pontiffs, chosen by a select body of electors, in a conclave of most holy cardinals? No—we look to none of these, but to that short interval of four centuries and a-half, which lies between the expulsion of the Tarquins, and the re-establishment of monarchy in the person of Octavius Cæsar. It is to this short period, during which the consuls, tribunes, and prætors were annually elected by a direct vote of the people. During the whole period of the 450 annual elections, the people never once preferred a citizen to the consulship who did not carry the prosperity and glory of the republic to a point beyond that at which he had found it. The old republic has gone—nothing of it left, unless we except San Marino as the only remaining fragment. The Grecian republics were prosperous so long as they were administered by the people. Thirty centuries have elapsed since they were founded; yet it is to an ephemeral period of 150 years only—the period of the popular elections, which intervened between the dispersion of a cloud of petty tyrants, and the coming of a great one in the person of Philip, king of Macedon—that we are to look for that galaxy of names which shed so much lustre upon their country, and in which we are to find the first cause of that intense sympathy which, at all times, burns within our bosoms at the name of Greece.

These short and brilliant periods exhibit the great triumph of popular elections—often tumultuary, often stained with blood; but always ending gloriously for the country. In those days the right of suffrage was enjoyed; the sovereignty of the people was no fiction, as it has been

in the United States. Then a sublime spectacle was seen, when the Roman citizens advanced to the polls, and proclaimed, "I vote for Cato to be Consul;" the Athenian, "I vote for Aristides to be Archon;" the Theban, "I vote for Pelopidas to be Bœotarch;" the Lacedemonian, "I vote for Leonidas to be first of the Ephori." But no one of the people, as such, of the United States, has ever been able to say, "I vote for George Washington to be President." Heretofore the people have voted for a list of electors, selected by partisans who, in most cases, have been ambitious politicians. If the Union be for ever destroyed, the world must attribute the fall of the nation to the machinations of political bacchanalian demagogues, who, for the consummation of their own sinister aims, have revelled in the low dens of pollution, for the purpose of securing the votes of sots and practitioners of corruption, whose numerical influence has driven from the polls, in disgust, the pure patriots. The rush to the polls, at some elections, is very great; and, in order to get a vote early in the day, it is necessary to form in a line, which we have seen extending from the ballot-box, 200 yards in the street. The negro, the scavenger, the drunkard, the merchant, the lawyer, the governor, the senator, the judge, and the people of all pursuits are there, standing in a line—slowly marching to give a vote for a list of electors, whose names, perhaps, not one of all the voters could repeat without the aid of the printed list. Many of the better class of people seldom, if ever, come to vote, influenced by a feeling of disgust for the general degradation at the present time controlling the ballot

throughout the states; but the republican system knows no respecter of persons; and, as we have hereinbefore stated, the man that is entitled to a vote, and fails, by omission, to exercise it, is unworthy of having the right of suffrage. The freeman thus guilty of neglecting to perform his political rights is not a true patriot: he boasts of the nation's glory, and its flag; and yet he is too proud and haughty to cast his vote side by side with those who, according to our republican theory, are by nature created equal. It is now some fourteen years since we have cast a ballot; and we admit it—not with credit, but with shame!

In the large cities, the elective system has been too much controlled by corrupt influences; but, in the rural districts, the yeomanry have appreciated the sacredness of their rights, and never fail to exercise the elective franchise with a dignity and solemnity commensurate with a freeman's privilege and responsibility.

CHAPTER XII.

Rebellions of the United States; Shay's, in 1786; Whisky, in 1791; Dorr's, in 1842.

Shay's Rebellion in 1786.

After the revolutionary war, the finances of the United States as a government, of each state, and of the people, were in a shattered condition. There was distress everywhere. The states passed the necessary tax and excise laws, but they could not be collected. There was discontent in nearly every state, and particularly in New England. In 1786, the legislature of Massachusetts voted customs and excise duties for the payment of the interest on the state debt. Taxes had to be levied to meet the principal of the debt and the quotas required by Congress. The people had been burdened with taxes; and there was a disposition to resist further collections. The farmers were then a year in arrears, and were continually harassed by the courts. They felt that their liberties had been dearly purchased, and that the oppression of the tax collector was as obnoxious under the new government as it had been under King George III. The legislature passed laws to lessen the burden of costs in the collection of debts, and for other purposes calculated to restore confidence in the government. Mobs assembled, however, and interrupted the execution of the laws. At this time

Daniel Shay, late an officer in the American revolutionary army, assumed the command of the insurrectionists, and prevented the meeting of the legislature at Worcester. Shay's forces numbered some 2,000, and were divided into three divisions. He marched them to Springfield, and attempted to take the arsenal; but it was defended by a small body of western militia, under the command of General Shepherd. Shay's army approached, and demanded a surrender. Shepherd refused, and fired his cannon over the heads of the insurgents; but they continued to advance, and were not to be intimidated by such explosions of powder. Shepherd then ordered the cannons to be fired upon the rebels, killing three men, and wounding another. Finding that the government forces were determined to fight, Shay's men broke, and fled in confusion, crying murder. Many of them were eventually arrested, tried, and convicted. Some were sentenced to death, and others were disfranchised for a term of three years. None were executed. The popular opinion was in favour of the insurgents; in consequence of which the government was compelled to be lenient; and it could only inflict the mildest penalties. The effect of this outbreak was beneficial throughout the United States. It proved the necessity of a stronger national government than the one then existing under the articles of confederation.

The Whisky Rebellion of 1791.

In 1791 the Congress of the United States passed a revenue law, which, in its enforcement, produced a formidable rebellion in the western counties of Pennsylvania.

While the question was pending in Congress, the legislatures of Pennsylvania, North Carolina, Virginia, and Maryland, passed resolutions against the proposed excise tax. The subject occupied the attention of Congress for several days; and in January, 1791, the bill passed and became a law. This act imposed a duty on all imported spirits, according to strength—a duty of from twenty to forty cents per gallon. On domestic spirits was levied a tax of from nine to twenty-five cents per gallon, if distilled from grain; and a tax of from eleven to thirty cents, when manufactured from molasses, or any imported product. The enactment of this law produced a rebellion in the western part of Pennsylvania, which cost the government, in its suppression, over one million of dollars; and besides, there was a loss of many lives. The people living within the insurrectionary district had settled there when the country was a wild forest; and they had successfully, though at a great loss, defended themselves against the savage tribes. Distilling was not only considered respectable, but a necessity, and a blessing to the people. The insurgents defended their course upon the grounds that rye was their principal product, and it "was too bulky to transport across the mountains; therefore, having no market for it, they were obliged to convert it into the more easily transported article of whisky, which was the principal item which they had to barter for salt, sugar, and iron. They had cultivated their lands for years, at the peril of their lives, with but little or no protection from the federal government; and when, at last, they were enabled to raise a little surplus grain, to meet their expenses of living, they

were met by a law which forbade their doing as they pleased with the fruits of their labour." It is proper to state, however, that in the passing of the excise tax, Congress did not suppose it would oppress the manufacturers; but it was intended to increase the cost of liquor to the consumers; and with them, it was supposed, would lie the burden of the excise. The law was passed in the belief that the people would have the liquor at any price, although an unnecessary luxury; and thus, as a member of Congress stated, "the people would actually drink down the government debt!"

According to the act of Congress, each state was made a tax district, and was under the direction of a supervisor. The state was subdivided; and each local section was under the supervision of an inspector. Distillers were compelled to render a full account of all liquors they manufactured; and, besides, a detailed description of all their houses and fixtures. Their establishments were subject to examination by the inspectors from time to time. In the state of Pennsylvania there were some 5,000 distilleries; and the law was considered, in that state, to be unjustifiably severe and oppressive. The people were nearly unanimous against the collection of the taxes in the western counties of Pennsylvania; and the existence of an opposition to the law in Virginia, North Carolina, and Maryland, inspired the rebels with confidence of success in preventing the collection of the taxes. Their fighting-men numbered about 16,000; though it has been estimated that there were only some 7,000 of the insurgents under military organisation as an army.

The insurrection was not intended to overthrow the government, but only to prevent the enforcement of the particular obnoxious law. Like the Shay rebellion of Massachusetts, in 1786, the people wanted relief; the tax burden was too heavy; it seemed to them as though Cæsar was not content with one-tenth of their annual gains, but that he wanted all the income from their toil. President Washington, as the executive of the nation, proceeded to carry out the offensive excise measure; and was determined to enforce it until the law was legally repealed by Congress. Judicial proceedings, in the form of indictments, were commenced against several of the distillers, because they had failed to enter their stills. In the execution of warrants against those guilty of this neglect, the inspector, and the supervisor, General Neville, were met by a body of armed men, and fired upon; but they escaped. On the next day the insurgents attacked the general's house, in Pittsburg; but they were repulsed by the latter and his armed negroes, who defended themselves heroically; wounding some six of the assailants. The next day the insurgents reappeared, 500 strong. Neville escaped; but in the attack, several were killed and wounded. The house was taken, and then set on fire; which forced the garrison adjoining to surrender. All the buildings were consumed. The insurgents continued in their work of destruction throughout that section of the state, and many lives were lost. No one dared to utter a word against the reign of the infuriated mob: all were compelled to join in the nullification of the law, in order to protect their property, and to save their lives. Many of the

people could only save their lives and their property by open and direct treason against the government.

During this great and frightful outbreak against the national authority, various secret political associations were found to exist in different states; and President Washington feared that some mischievous ulterior consequences might occur, unless the insurrection in Pennsylvania was immediately suppressed. The governor of that state was not energetic in measures to suppress it; and the president resolved upon a prompt and decisive course. One of the judges of the United States' courts gave a certificate to the president, that the laws of Congress could not be enforced in the western counties of Pennsylvania, on account of an armed rebellion. This was conformable to law; and then the president was constitutionally empowered to enforce obedience to the national edict—namely, the collection of the excise on distilled liquors. In the meantime the governor of Pennsylvania called out the militia to quell the insurrection, and to hasten the consummation of a peaceful execution of the laws of Congress. The legislature of that state denounced the acts of the insurgents; authorised the governor to receive volunteers; and, in order that there should not be a failure in the raising of the required forces, a bounty was authorised to be given to each soldier. The government of the state was resolute in the determination to put down the rebellion, and to aid the president in the enforcement of the national laws. A proclamation was issued by the president, warning the insurgents, and requiring them to cease in their opposition to the govern-

ment: he also forwarded to the governors of Pennsylvania, New Jersey, Maryland, and Virginia, an application for some 15,000 men, to aid in quelling the rebellion. The soldiers demanded were promptly furnished by those states. In order, however, to prevent the shedding of blood, the president dispatched three commissioners to meet and consult with the insurgents. They were instructed to use their best efforts towards the peaceful settlement of the outbreak; to explain to them the necessity of the tax, and to give them assurances of future protection. The commissioners visited the rebellious counties; and a committee, composed of sixty members, was appointed by a convention of the insurgents, which was then in session (August, 1794), around a banner, bearing the inscription, "Liberty, and no excise!—No asylum for cowards and traitors!" The United States' commissioners met the committee, and demanded a cessation of their resistance; and they promised the people engaged in the insurrection a general pardon. At the same time, unofficial assurances were given them, that the excise law would, at the next Congress, be modified to equalise the national taxes; having in view, however, the raising of the necessary moneys to meet the maturing debts of the United States' government; and that after those debts were paid, the excise should be repealed. These assurances, however, were unofficial, but they had a very great influence. The efforts of the commissioners were not altogether successful; but the question of submission was agreed, by the insurgents, to be submitted to the vote of the people. The elections were, in many places, disturbed, and no decision was

attained. The commissioners returned to Philadelphia in September, and reported their non-success; and then the president ordered the army to advance to the insurrectionary district. In the meantime the principal rebels were very active, and the disaffection of the people again rapidly spread, extending into the north-western counties of Virginia and Maryland. Bands of insurgents patrolled the country, and destroyed the houses and property of all persons favouring the government. Governor Lee, of Virginia, was appointed, by Washington, commander-in-chief of the United States' forces; and he proceeded at once to the fulfilment of the very delicate and responsible duties confided to him. One wing of the army marched through Carlisle, Bedford, and thence across the mountains. The left wing, composed of the Virginia and Maryland troops, met at Cumberland, and then marched westward by the Braddock road. These divisions arrived at Uniontown in the month of October, and then proceeded to the different parts of the insurrectionary counties. General Lee issued a proclamation of amnesty to those who were entitled to it; and, at the same time, required all the people to take the oath of allegiance to the United States' government. The insurgents made no resistance; but, on the contrary, they readily yielded. The principal rebels fled to the frontiers, and escaped the legal consequences that might follow their arrest. Many were arrested and tried; but, for want of evidence, and technical formality, were released. In fact, the government was satisfied. The law had been sustained, and there was no disposition to enforce the high penalties for the treasonable acts.

Two only were convicted of capital offences; but they were pardoned by the president. Thus ended the "whisky rebellion of 1791." The government had maintained its constitutional power; the people throughout the whole country were happy; and from thence they had increased confidence in the strength and permanency of the Union. After the quelling of that rebellion, they had the fullest faith in the stability and perpetuity of the American political and religious institutions. Their whole confidence in the realisation of prosperity, seemed to be united in the actual existence of a consolidated nation.

The Dorr Rebellion of 1842.

The state of Rhode Island and Providence Plantations received its charter from Charles II., in the fourteenth year of his reign; and the state continued under that charter (excepting the formality of using the king's name) until November, 1842. This charter was considered by the democratic party, in the early part of 1842, as insufficient to meet the wants of the people. The state was under the control of the whig party. The elective franchise was limited to the holders of a certain amount of real property, and to their eldest sons. Under the law of this property qualification, not more than one-third of the citizens were qualified voters; and, besides, the representative apportionment was fixed without respect to population. Thomas Wilson Dorr, a politician of Providence, for some five years endeavoured to get the state to adopt a constitution. In the legislature he only obtained seven out of seventy votes in favour of the proposition. He

found that the change could not be effected through the legislature, and he then resorted to popular agitation. Meetings were held in different parts of the state, and the people manifested the greatest zeal for the measure. The citizens, unqualified under the royal charter to vote, were quite anxious to have themselves placed upon an equal footing with the property citizens at the elections. The advocates of the constitution were called the "suffrage party," and the opponents the "charter party." The suffrage party succeeded in gathering large conventions, and a popular resolve in favour of the new organic government. Ultimately elections were held, by authority of the popular but illegal assemblies, for delegates to a convention to frame a constitution. These delegates met, and after preparing their suffrage constitution, submitted it to the popular vote. It was ratified by 14,000 votes, which was a majority of the citizens of the state. The charter party condemned the proceedings, and denounced them as treasonable and highly seditious. The state government proceeded with great energy to arrest the agitation and the illegal government. It declared the transactions of the suffrage party to be not only illegal, but fraudulent; and that the popular vote alleged was principally made up by the conspirators. In the meantime Dorr was elected governor by the suffrage party, and he claimed to be at the head of the legal government. An election for representatives of the suffrage party, to meet in Providence in May, 1842, took place, at which some 7,300 votes were cast. About the same time the charter party held an election, polling some 5,700

votes. Samuel W. King was governor under the charter. The two governments met on the same day—the suffrage party at Providence, and the charter party at Newport. Dorr attempted to seize the archives of the government, and to dispossess the charter authorities. The excitement throughout the state was intense, and both parties appealed to arms. The national government considered the charter party as the legitimate power, and the suffrage men were declared to be rebels. Governor King declared martial law, and called out the militia. The greater part of the state forces belonged to the suffrage party, and the governor's forces were not sufficient to maintain his power. After adopting these measures, he appealed to the president of the United States to aid him in the suppression of the insurrection. The constitution of the United States made it obligatory upon the president to grant the aid. Both of the parties in Rhode Island were active in organising military forces, though the suffrage party was deficient in arms. Governor King marched to meet the rebels; but they dispersed, and thus prevented a serious collision. Dorr attempted to seize the arsenal, but was unsuccessful. He assembled his men at other places; but on the approach of the charter forces, they dispersed. Before the end of May, 1842, the contest was over. The charter party triumphed, and Dorr took refuge in Connecticut. A reward of 4,000 dollars was offered for his apprehension by the state of Rhode Island. Dorr returned to the state—was arrested, tried, and found guilty of high treason. He was sentenced to the penitentiary for life; but was pardoned in 1847, and restored to his civil rights.

CHAPTER XIII.

Secessionary Acts of the States; the Hartford Convention;, the Nullification of South Carolina; and other National Excitements.

The Hartford Convention of 1814.

In June, 1812, war was declared against Great Britain by the United States. Never did a country enter a like struggle with as little popular desire, and as feebly prepared. In the New England states it was energetically opposed, because, principally, they believed it would prove destructive to their commerce. Popular meetings were held in the different northern states, and the war was denounced. The legislatures assembled, and bitter were their denunciations. Massachusetts seemed to have led several of the northern states in what was then considered the "abominable treason." The committee appointed by the legislature of that state, in February, 1814, upon the "national question," reported—

"We believe that this war, so fertile in calamities, and so threatening in its consequences, has been waged with the worst possible views, and carried on in the worst possible manner; forming a union of wickedness and weakness which defies, for a parallel, the annals of the world. We believe, also, that its worst effects are yet to come; that loan upon loan, tax upon tax, and exaction upon exaction, must be imposed, until the comforts of the present, and the hopes of the rising generation are destroyed. An impoverished people will be an enslaved people. An army of 60,000 men, become veteran by the time the war is ended, may become the instrument, as in former times, of destroying even the forms of liberty.

It will be as easy to establish a president for life by their arms, as a president for four years by intrigue. We tremble for the liberties of our country. We think it the duty of the present generation to stand between the next and despotism."

The committee had no doubt of the unwarrantable conduct of the administration, and of the right of the state to resist the enforcement of the unconstitutional laws. They said—

"The power to regulate commerce is abused when employed to destroy it, and a voluntary abuse of power sanctions the right of resistance as much as a direct and palpable usurpation. The sovereignty of the states was reserved to protect the citizens from acts of violence by the United States, as well as for purposes of domestic regulation. We spurn the idea, that the free, sovereign, and independent state of Massachusetts is reduced to a mere municipal corporation, without power to protect its people, or to defend them from oppression, from whatever quarter it comes. Whenever the national compact is violated, and the citizens of this state oppressed by cruel and unauthorised enactments, this legislature is bound to interpose its power, and to wrest from the oppressor his victim. This is the spirit of our Union; and thus has it been explained by the very man who now sets at defiance all the principles of his early political life. The question, then, is not a question of power or right, but of time and expediency."

It was proposed that the legislature should appoint delegates to meet others from the New England states, in convention, to determine upon the course best to be pursued by the states dissenting from the national policy. It was to be "a conference between those states, the affinity of whose interests is closest, and whose habits of intercourse, from local and other causes, are most frequent; to the end that, by a comparison of their sentiments and views, some mode of defence might be adopted, suited to the exigencies of those states." The legislature of Connecticut was equally severe upon the national government.

On a resolution, contemplating resistance to the United States' laws, the vote in the popular branch, or house, was 200 for it, and 39 against it. President Madison was much alarmed at these proceedings. A dissolution of the Union was feared, as the resolves of the Massachusetts and Connecticut legislatures indicated a secession, and the formation of another republic, with a people "the affinity of whose interest is closest, and whose habits of intercourse, from local and other causes," were in common. The Massachusetts legislature appropriated a million of dollars to support a state army of 10,000 men. These and other acts alarmed the whole nation.

The convention met at Hartford, Connecticut, on the 15th of December, 1814, and was composed of delegates from the legislatures of Massachusetts, Connecticut, and Rhode Island. There were, also, delegates from counties in Vermont and New Hampshire. It continued in session twenty days, but did nothing more than adopt a report upon the state of the country. The convention did not openly propose secession, nor any ultra or incendiary acts: compared with the resolves of the legislatures it was mild and conservative. It recited various grievances resulting from the policy of the United States' government, all of which were considered, and declared to be unconstitutional. The convention was of the opinion, that—

"Though acts of Congress, in violation of the constitution, were merely void, yet it did not seem to consist with the respect and forbearance due from a confederated state toward the general government, to fly at once, upon every infraction, to open resistance. The mode and energy of opposition ought rather to conform to the

nature of the violation, the intention of its authors, the extent of the injury inflicted by it, the determination manifested to persist in it, and the danger of delay. Yet, in cases of deliberate, dangerous, and palpable infractions of the constitution, *affecting the sovereignty of a state* and the liberties of the people, it was not only the right, but the duty, also, of the state to interpose its authority for their protection. When emergencies occur, either beyond the reach of the judicial tribunals, or too pressing to admit of the delay incident to their forms, *states which have no common umpire must be their own judges, and execute their own decisions.*"

These and other state-rights sentiments were popular at that time in the New England states. The legislatures and the people continued to encourage resistance to the national government; but, fortunately for the country, the news of the treaty of peace, signed at Ghent in December, 1814—received in America in the following February—quieted the people, and restored friendly relations between the states and their people. Thus ended the "Hartford Convention" era. It was a near approach to secession—a powerful rebellion!

South Carolina Nullification in 1832.

After the passage of the Tariff Bill, in 1832, by the Congress of the United States, the state of South Carolina resolved to secede from the confederacy. The legislature was called together; and it authorised the convening of a convention of the people of the state, by a vote in the senate, of 30 against 13; and, in the House of Representatives, by a vote of 96 to 26. The convention assembled on the second Monday in November, 1832, and passed an ordinance, declaring—

"That the several acts and parts of acts of the Congress of the United States, purporting to be laws for the imposing of duties and

imposts on the importation of foreign commodities, and now being in actual operation and effect within the United States, * * * are unauthorised by the constitution of the United States, and violate the true meaning and intent thereof, and are null and void, and no law, nor binding on the citizens of the state of South Carolina."

The said ordinance declared it to be unlawful for any of the constituted authorities of the state, or of the United States, to enforce the payment of the duties imposed by the said acts within the state of South Carolina; and that it was the duty of the legislature to pass such laws as would be necessary to give full effect to the said ordinance. It further

"Ordained, that no case of law or equity shall be decided in the courts of said state, wherein shall be drawn in question the validity of the said ordinance, or of the acts of the legislature that may be passed to give it effect."

No appeal was to be permitted to the Supreme Court of the United States; and if any person should attempt to appeal to the said tribunal, he was to be punished. It further declared—

"That the people of South Carolina will maintain the said ordinance at every hazard; and that they will consider the passage of any act by Congress, abolishing or closing the ports of the said state, or otherwise obstructing the free ingress or egress of vessels to and from the said ports, or any other act of the federal government to coerce the state, shut up her ports, destroy or harass her commerce, or to enforce the said acts otherwise than through the civil tribunals of the country, as inconsistent with the longer continuance of South Carolina in the Union; and that the people of the said state will thenceforth hold themselves absolved from all further obligation to maintain or preserve their political connection with the people of the other states, and will forthwith proceed to organise a separate government, and do all other acts and things which sovereign and independent states may of right do."

This ordinance passed the convention by a vote of 136

against 26. The legislature again met on the 24th of November, and passed the necessary laws to carry out the plan for the new government. The people of South Carolina were energetic, and determined to maintain their doctrine of state rights; to secede from the Union whenever the administration of the general government was oppressive, and in violation of the constitution, as interpreted by the state—the only power that could decide upon the question. In December Congress met; and, on the 4th, the president transmitted his annual message to that body; in which he stated, that, "in one quarter of the United States, opposition to the revenue laws" had arisen; but that he hoped the difficulties would be peaceably overcome. The state of South Carolina proceeded to prepare for war, by the increase of its military forces, and the necessary munitions. At the same time, however, there were many people opposed to the nullification, and they were energetic for the Union. The proceedings of the state authorities were popular among politicians, but not with the yeomanry. There was a Union sentiment among the patriots of the state; but it was well that the president did not attempt coercion. On the 10th of December, the president issued a proclamation to the people of South Carolina, and argued against the constitutionality of secession or nullification. He contended that the Union was perpetual, and that it was not possible for any state to secede from the national government. The proclamation was argumentative, and kindly worded. He urged the people of South Carolina to ponder well over what they were doing, and not to incur the consequences of

carrying out their schemes of secession. He stated that it was his duty—

"To warn the citizens of South Carolina, who have been deluded into an opposition to the laws, of the danger they will incur by the obedience to the illegal and disorganising ordinance of the convention; to exhort those who have refused to support it to persevere in their determination to uphold the constitution and the laws of their country; and to point out to all, the perilous situation into which the good people of that state have been led; and that the course they are urged to pursue is one of ruin and disgrace to the very state whose right they affect to support."

On the 16th of December, the president transmitted to Congress a message upon the nullification of South Carolina, and urged the passage of such laws as might be necessary to enable him to maintain the Union. Upon the message being read in the senate, Mr. Calhoun, the senator from South Carolina, repelled the statements made by the president. He asserted that the state authorities had looked only to the judiciary tribunals to effect their protection from the oppressive tariff laws, until the collection of United States' troops within its territory; and that then they were compelled to make provision to defend themselves. The judiciary committee of the senate, to whom the message was referred, reported a bill, vesting full and complete power in the president to carry into effect the revenue laws of the United States, and to employ the army and navy, if he deemed it necessary, to enforce them.

In the meantime the legislatures of the respective states were convened, and the nullification of South Carolina was considered by each of them. Massachusetts, Connecticut, New York, Delaware, Tennessee, Indiana, and

Missouri, disclaimed the doctrine of nullification. North Carolina and Alabama opposed it, but passed resolutions declaring the tariff unconstitutional and inexpedient. Georgia, by a vote of 102 to 51 in the house, considered nullification unconstitutional, and by a more decisive vote denounced the tariff. This state proposed a convention of the states of Virginia, North Carolina, South Carolina, Georgia, Alabama, Tennessee, and Mississippi, to devise measures to obtain relief from the tariff. Virginia held to the state-rights doctrine, but requested South Carolina to desist in its course; and a commissioner was sent to that state to urge a reconciliation between the state and the general government. New Hampshire resolved in favour of a modification of the tariff. Massachusetts, Vermont, Rhode Island, New Jersey, and Pennsylvania were opposed to making any alteration of the law. Other states passed resolutions in favour of a modification, and against the right of nullification.

While the different state legislatures were thus expressing opinions upon the tariff, Congress was engaged in the consideration of bills proposing a reduction, so as not only to restore peace in South Carolina, but to conform to the popular opinion entertained in the different states. Mr. Clay, senator, from Kentucky, introduced a bill "to preserve the protective tariff for a length of time, and to restore good feelings and tranquillity among the people." Mr. Calhoun favoured the passage of the bill. It passed in the senate: ayes, 29; noes, 16. In the house: ayes, 119; noes, 85. It was signed by the president, and became a law on the 2nd of March, 1833. The leading

provisions were as follows :—A periodical annual reduction of one-tenth of the duties for seven years; after which, all the remaining duty above twenty per centum on the value, should be equally divided into two parts; one part to be struck off at the end of one year thereafter, and the other half at the end of another year; so that, at the end of nine years, all duties should be reduced to twenty per centum on the value, with a list of free articles, and no more revenue to be raised than was necessary for the economical support of the government; and the act was to be permanent. The passage of this Compromise Bill restored peace to the country. The convention of South Carolina was then called together by the governor. It met on the 11th of March, and declared the compromise tariff as satisfactory; and it then *repealed* the ordinance nullifying the United States' revenue laws, and annulled the enforcing laws. Thus ended the contest. The state-rights men claimed a victory; but, on the other hand, the opponents of nullification considered that they had purchased a peace without the sacrifice of principle.

National Excitements.

Before closing this chapter, we will refer to a few important occurrences in the history of the United States.

In 1783, was formed the noted army plot against the general government, on account of the reduction of pay. It was happily settled through the influence of Washington, before any outbreak took place.

In 1790, the country was much disturbed about the sectional location of the capital; and there were serious

apprehensions of a dissolution of the Union on that account during the first term of Washington.

In 1798, the "alien and sedition laws" were fiercely assailed by partisans, and they produced great excitement throughout the country.

The "Burr conspiracy" of 1806–'7, was an incident in American political history, that remains partly veiled in doubt. The popular opinion was, that he aimed at the separation of the western or south-western states from the Union, and the organisation of an independent government, of which he was to be the head. His schemes were timely crushed by the United States' government.

The admission of Missouri into the Union, in 1821, produced the greatest excitement; and a dissolution of the Union was feared by the people throughout the whole country. It was a struggle for and against the extension of slave territory. Happily for the nation, it was settled by Mr. Clay's Compromise Bill, which declared that slavery should never exist north of lat. 36° 30′.

In 1844, it was proposed that Texas should be annexed to the United States, and the democratic party favoured the measure. The Whig party opposed it. The contest was exciting; and the legislature of Massachusetts declared that the annexation of Texas "was a virtual dissolution of the Union!" The democratic party succeeded in the election of its candidate for the presidency; the republic of Texas was annexed to the United States; and the war with Mexico followed, which produced a perfect cessation of political warfare for the time being.

In 1850, the Union was again on the verge of a

dissolution; but the political elements were calmed by a Compromise Bill, proposed by Mr. Clay, which passed the Congress.

Again, in 1854, the nation was aroused on the subject of slavery, by the virtual repeal of the Missouri compromise of 1821, on the passage of the Kansas-Nebraska Bill.

In 1858, the Mormon war was the cause of serious apprehension to the nation; but an efficient army was dispatched, and the rebellion quieted without the shedding of blood.

In the foregoing, we have briefly noticed the different "eras of trouble," with respect to the internal workings of the United States' government. Several times the nation has been upon the verge of destruction; but at each, a patriot seemed to be at hand to propose a pacific remedy, in which the people confided.

On the occurrence of disruptive excitements heretofore in the United States, the policy observed by the presidents has been conciliatory. They have appointed commissioners, or adopted other means, to explain to the people the error of their ways, and to propose measures to relieve them from oppression. The Whisky rebellion was made comparatively bloodless, because Washington induced the people to believe that the excise tax would be modified. Jackson terminated the South Carolina nullification of 1832 by pacific measures; and among them was the modification of the oppressive tariff. So it has been with all our turbulent eras: relief has been promised to the excited and oppressed people; and thus, by kind words and *acts*, the Union has been preserved.

CHAPTER XIV.

Virginia Colony opposed to the Importation of Slaves; Somerset Decision in England; Slavery in the Colonies, before and after the Revolution; Abolition of Slavery in the Northern States; Retardation of Emancipation produced by the Abolitionists.

Virginia Colony opposed to Slavery.

On the 12th of June, 1776, the people of Virginia unanimously adopted, in their constitution, a schedule of complaints against the sovereign of England, in justification of their course for severing their allegiance; amongst which was the grave and serious charge, viz., "*of prompting our negroes to rise in arms among us—those very negroes whom, by an inhuman use of his negative, he had refused us permission to exclude, by law,*" from our territory. When the constitution was revised in 1830, the Virginians again proclaimed to the world that slavery was forced upon them by their mother country. In 1850, when the constitution was again revised, they reasserted the charge; and future generations, for all time, will do the same. All the colonies, north and south, were opposed to the extension of slavery, or the further introduction of slaves into their respective jurisdictions. They passed laws, prior to the revolution, to prevent further importations, under heavy penalties; but those resolves were defeated by the crown, as the ministry had instructed the colonial

governors to withhold their assents to all such enactments. This opposition to the system, in the southern and other colonies, existed long before the revolutionary war, and the people had employed every legal means to stop the importation of the African slaves. Sadly for those noble and loyal pioneers, their anti-slavery decrees were negatived by their royal sovereign. We do not refer to the declarations of the American colonists for the purpose of reflecting disrespect upon the British crown; but we do so in order to prove that the further importation of slaves was seriously and resolutely opposed before the revolution. In justice to the Virginians, it is proper to state, that they were faithful in their opposition to the slave traffic; and no one was more so than Mr. Jefferson, of that state, as evidenced by his then, and subsequent career. He drafted the Declaration of Independence of 1776; and in the original submitted by him, among the complaints against the king, was the following:—

"He has waged a cruel war against human nature itself, violating its most sacred rights of life and liberty in the persons of a distant people who never offended him; capturing and carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither. This piratical warfare—the opprobrium of infidel powers—is the warfare of the Christian king of Great Britain. Determined to keep open a market where men should be bought and sold, he has prostituted his negative for suppressing every legislative attempt to prohibit or restrain this execrable commerce. And that this assemblage of horrors might want no fact of distinguished die, he is now exciting those very people to rise in arms among us, and to purchase that liberty of which he has deprived them, by murdering the people on whom he also obtruded them; thus paying off former crimes committed against the liberties of one people, with crimes which he urges them to commit against the lives of another."

This clause was withdrawn by Mr. Jefferson, in order to conform to fact. For example, South Carolina and Georgia had not passed laws prohibiting the importation of slaves; and hence the declaration, as written by Mr. Jefferson, would have been false, so far as those states were concerned. Again, the northern states were entitled to equal condemnation with the king, because their people had realised fortunes from the trade sanctioned by the British crown; and they were equally guilty. The king permitted the continuation of the slave-trade, and the northern people had carried on that trade, and gathered the golden profits. It is not for us to say with whom lay the most sin. As explanatory for striking out the clause, Mr. Jefferson has written—"Our northern brethren, I believe, felt a little tender under those censures; for, though their people have very few slaves themselves, yet they had been pretty considerable carriers of them to others."

Somerset Decision in England, in 1772.

Having, through necessity, referred to the proceedings of the British government respecting the introduction of slavery into America, we deem it but just to insert the report of the following decrees, rendered by the English judiciary.

"In the first recorded case, involving the legality of slavery in England, it was held (1677) that negroes, 'being usually bought and sold among merchants as merchandise, and *also being infidels*, there might be a property in them sufficient to maintain trover.' But this was overruled by Chief Justice Holt, from the King's Bench (1697), ruling, that 'so soon as a negro lands in England, he is

free;' and again (1702), that 'there is no such thing as a slave by the law of England.' This judgment proving exceedingly troublesome to planters and merchants from slaveholding colonies, visiting the mother country with their servants, the merchants concerned in the American slave-trade, in 1729, procured from Yorke and Talbot, the attorney-general and solicitor-general of the crown, a written opinion, that negroes, legally enslaved elsewhere, might be held as slaves in England; and that even baptism was no bar to the master's claim. This opinion was held to be sound law in 1749, by Yorke (Lord Hardwicke) sitting as judge; on the ground, that if the contrary ruling of Lord Holt were upheld, it would abolish slavery in Jamaica or Virginia, as well as in England; British law being paramount in each. Thus the law stood until reversed by Lord Mansfield in the Somerset case, in June, 1772. The plaintiff in this case was James Somerset, a native of Africa, carried to Virginia, and sold there as a slave; taken from thence by his master to England, and there induced to resist the claim of his master to his services, and assert his right to liberty. Lord Mansfield rendered the following judgment:—

"'We cannot direct the law; the law must direct us. * * * * The state of slavery is of such a nature, that it is incapable of being introduced on any reasons, moral or political, but only by positive law, which preserves its force long after the reasons, occasion, and time of itself whence it was created, is erased from the memory. It is so odious, that nothing can be sufficient to support it but positive law. Whatever inconvenience, therefore, may follow from the decision, I cannot say that this case is allowed or approved by the law of England, and therefore the black must be discharged.'"

This important decision was construed to apply only to England, and not to her American colonies. Had it been general throughout the British dominions, it could not have been applied in America. The revolutionary war soon followed, which placed beyond enforcement any judicial decrees, except those rendered by the colonial tribunals. This decision admits the right of property in man, when supported by positive law.

In the American states, the pro-slavery advocates contend, that the right of property in slaves is derived from the English common law. But we are unable to find any act of parliament creating that species of chattel. No acts of the state legislatures can be found creating slave property, though there are laws that sanction it permissively, by affording protection to the owner of a right of property in the African race. On the other hand, the opponents of slavery assert, that though the right of property in the negro race has not been created by constitutional and statutory laws, yet both of those codes recognise and protect the white race in the use of that species of property in the southern states; and, therefore, its existence as a chattel does not rest upon the common law of England, but upon the constitutional and legislative decrees of the slaveholding states; and that those laws are contrary to the spirit and meaning of the organic structure of the Union; and further, as a principle, that man cannot hold property in man.

Slavery in the American Colonies.

On the early settling of the North and South Carolinas, they encouraged the importation of slaves; but soon finding it to be a curse to their progress, they passed laws imposing a heavy tax upon every slave imported. In order to stop the traffic, in 1764, South Carolina enacted a law, imposing a penalty of £100 for every negro slave, subsequent to that date, introduced into the colony. This fine was greater than the value of the negro; and was, in effect, an abolition of the slave-trade. Georgia

introduced slavery, though contrary to the original intention of its founders, in order to extend its productive resources; "the system having served a good purpose on the settling of the other colonies." Maryland and Delaware recognised slavery as one of their natural institutions. In accordance with a recommendation of William Penn, the colony of Pennsylvania adopted a fourteen years' term of servitude, and perpetual *adscript* to the soil for hereditary slavery. He did not propose to legislate so as to effect the abolition of slavery; but he used his influence to establish the sanctity of the slave-marriage. In the states of Connecticut, New Jersey, and New York, slavery was a recognised domestic institution. Rhode Island limited slavery to a term of ten years. Massachusetts prohibited the introduction of slaves. New Hampshire passed laws to prevent the further importation of slaves into that state; and the British ministry issued the following order to the governor:—"You are not to give your assent to, or pass, any law imposing duties upon negroes imported into New Hampshire."

On the 14th of October, 1774, the Congress adopted a Bill of Rights for the colonies, in the form of a series of resolutions; among which was the following declaration:—"That we will neither import, nor purchase any slaves imported after the 1st day of December next; after which time we will wholly discontinue the slave-trade, and will neither be concerned in it ourselves, nor will we hire our vessels, nor sell our commodities or manufactures to those who are engaged in it." This was the first national legislation against the slave-trade.

Opposition to Slavery after the Revolution.

In 1784, Mr. Jefferson, of Virginia, submitted a report to Congress, for the organisation of the north-west territory. In it he proposed, "that after the year 1800 of the Christian era, there should be neither slavery nor involuntary servitude in any of the said states." This clause in the report was rejected. In 1787, the noted "ordinance for the government of the territories of the United States, north-west of the Ohio," was adopted, with the clause—"There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in punishment of crimes whereof the parties shall be duly convicted."

The "ordinance" of 1787, including the anti-slavery clause, was based upon the principles of the "Jefferson ordinance of 1784." The anti-slavery feature proposed in the report presented by Mr. Jefferson of Virginia, in 1784, in the Congress, was rejected because the report did not provide for the recovery of fugitives from service; and the ordinance of 1787 was adopted because a proviso was added to it; viz.:—

"That any person escaping into the same, from whom labour or service is lawfully claimed in any one of the original states, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labour or service as aforesaid."

In order to prevent the further introduction of slaves into the United States from Africa or elsewhere, the following clause was adopted in the constitution of 1787, and ratified by all the states—

"The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be pro-

hibited by the Congress prior to the year 1808; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person."

For the better information of the reader, we deem it necessary to insert the proceedings of the constitutional convention of 1787, having reference to the preceding clause.

The convention appointed a committee to draft a constitution based upon certain resolved principles: it consisted of Messrs. Rutledge of South Carolina, Randolph from Virginia, Gorham from Massachusetts, Elsworth from Connecticut, and Wilson from Pennsylvania—being two from the southern states, and three from the northern states. On the 6th of August, 1787, the committee reported the proposed constitution; in which was the following:—

"No tax or duty shall be laid by the legislature [of the United States' government] on articles exported from any state; nor on the migration or importation of such persons as the several states shall think proper to admit; nor shall such migration or importation be prohibited."

By this clause, it would seem that the northern majority of the committee intended to perpetuate the African slave-trade.

On the 22nd of August, the clause of the constitution above given, was referred to a special committee composed of one member from each state. On the 24th of the same month, Mr. Livingston, from the committee of eleven, reported a proposition to insert the following as a substitute:—

"The migration or importation of such persons as the several states now existing shall think proper to admit, shall not be prohibited by the legislature [Congress] prior to the year 1800; but a

tax or duty may be imposed on such migration or importation, at a rate not exceeding the average of the duties laid on imposts."

On the 25th of August the report was considered, and—

"It was moved and seconded to amend the report of the committee of eleven, entered on the journal of the 24th instant, as follows:—To strike out the words, 'the year 1800; and insert the words, the year 1808;' which passed in the affirmative.'

"*Yeas*—New Hampshire, Massachusetts, Connecticut, Maryland, North Carolina, South Carolina, and Georgia—7.

"*Nays*—New Jersey, Pennsylvania, Delaware, and Virginia—4."

It will be seen, from the preceding vote, that there were three northern states—New Hampshire, Massachusetts, and Connecticut—voted to prolong the African slave-trade eight years. Had they voted with Virginia, the foreign traffic would have ceased in the year 1800. After the preceding vote, the following were the proceedings:—

"The importation of *slaves* into such of the states as shall permit the same, shall not be prohibited by the legislature of the United States until the year 1808.

"*Yeas*—Connecticut, Virginia, and Georgia—3.

"*Nays*—Massachusetts, Pennsylvania, Delaware, North Carolina, and South Carolina—6.

"Maryland delegation was divided—

"On the question to agree to the first part of the report as amended, namely—

"'The migration or importation of such persons as the several states now existing shall think proper to admit, shall not be prohibited by the legislature prior to the year 1808:'

"It was passed in the affirmative as follows:—

"*Yeas*—New Hampshire, Massachusetts, Connecticut, Maryland, North Carolina, South Carolina, and Georgia—7.

"*Nays*—New Jersey, Pennsylvania, Delaware, and Virginia—4."

After the organisation of the constitutional government of 1789, Congress enacted all necessary laws within its power to prevent the foreign slave-trade. In 1794, a very

stringent law was passed to prevent the people of the United States from engaging in the slave-trade between foreign countries, either by furnishing ships, men, or otherwise assenting. In 1798, it was enacted that there should be no importation of slaves into the Mississippi territory, under a penalty, for each offence, of 300 dollars. In 1804, by the Louisiana Act, Congress prohibited the foreign importation of slaves into Lower Louisiana territory from and after that date. It also prohibited the domestic importation of any slave into the territory, which had been imported from abroad after the year 1798. It prohibited the carrying of any slave into the said Lower Louisiana territory as merchandise. The provisions of this act, however, did not extend to Upper Louisiana or Missouri territory. In 1807 was enacted the law to prohibit for ever, after 1808, the foreign slave-trade with any of the United States. But, soon after the organisation of the government, the southern states desired the cessation of the slave-trade before 1808, as established by the concurrent vote of some of the northern states; and having passed state laws to that effect, sought congressional legislation as auxiliary to their own enactments, to effect the great desideratum. With that object, the following law passed Congress in February, 1803:—

"After the first day of April, 1803, masters of vessels shall not bring into any port where the laws of a state prohibit the importation of any negro or mulatto, not a native, under a penalty of 1,000 dollars; and all vessels arriving at the ports of such states prohibiting slave importation, having on board negroes, mulattoes, &c., are not to be admitted to entry, &c."

The custom officers of the United States were to notice,

and be governed by, the laws of the states prohibiting the admission of negroes; and vigilantly to carry them into effect. While Congress has ever aided in the suppression of the slave-trade, it has not, in a single instance, proposed to interfere with the system within the states. In 1790, attempts were made in that legislative tribunal to interfere with slavery, and it was—

"*Resolved*, That Congress has no authority to interfere in the emancipation of slaves, or in the treatment of them within any of the states; it remaining with the several states alone to provide any regulations therein which humanity and true policy may require."

Abolition of Slavery in the Northern States.

In 1774, Connecticut prohibited the importation of slaves into that state; and in 1790, of its 238,141 population, there were 2,801 free negroes, and 2,759 slaves. Statutes were passed in 1784 and 1797, to gradually abolish slavery. In 1800, there were but 951 slaves in Connecticut; showing a decrease, within the ten years previous, of 1,808. In 1840, there were but seventeen; and, in 1850, there were none.

In Massachusetts, it was declared by the judiciary, soon after the revolution, that slavery had been virtually abolished on the adoption of the state constitution; and that the issue of a female slave, though born prior to the framing of the constitution, and as early as 1773, was born free. According to this ruling, slavery has not existed in Massachusetts, and the district of Maine, since the separation of that state from Great Britain. In 1790, there were 5,463 free negroes in the state; but there were no slaves. In Pennsylvania, an act was passed, in 1780, for

the emancipation of its slaves. In 1790, there were 3,737 slaves in the state; in 1800, 1,706; in 1810, 795; in 1840, 64; and, in 1850, there were none.

In New Jersey, statutes were passed, in 1784 and in 1820, for the gradual extinction of slavery. It was declared that all children born of a slave after the 4th of July, 1804, were to be free. In 1790, there were in this state 11,423 slaves; in 1800, 12,422; in 1810, 10,851; in 1850, 236; and, in 1860, there were none.

In 1799, New York took a step towards the extinguishment of slavery in that state, by gradual emancipation. The law declared, that every child born of a slave, within the state, after the 4th of July, 1799, should be born free, though liable to be held as the servant of the proprietor of the mother, until the age of twenty-eight years, in a male, and twenty-five in a female; and, as Chancellor Kent says, in like manner as if such person had been bound by the overseers of the poor to serve for that purpose. This law was further enlarged and improved in 1810; and it was then ordained, that the importation of slaves, except by the owner coming into the state for a residence short of nine months, should be absolutely prohibited; and every slave imported contrary to the act, was declared free. Those that were slaves on the 4th of July, 1799, and not manumitted, were the only persons, in that state, slaves for life, except those that were imported prior to the 1st of May, 1810. "No slave imported after the 1st of June, 1785, could be sold; no slave imported after the 1st of May, 1810, could be held as a slave; and no person born within the state after the 1st of July, 1799,

was born a slave." Another and a final law was passed by the legislature in March, 1817; which declared, "that every negro, mulatto, or mustee, within the state, born before the 4th of July, 1799, should, from and after the 4th day of July, 1827, be free." On this latter date, slavery ceased to exist in New York. In 1790, there were 21,324 slaves in the state; in 1800, there were 20,343; and, in 1820, 10,088.

In Rhode Island, no person could be born a slave on or after the 1st of March, 1784. In 1790, there were 952 slaves in the state; and, in 1840, there were but five.

On the adoption of the constitution of the states of New Hampshire and Vermont, slavery was abolished in those states. In 1790, there were 158 slaves in New Hampshire; in 1810 there were none. In Vermont, there were seventeen slaves in 1790; and, in 1800, there were none.

Retardation of Emancipation produced by the Abolitionists.

We have, in the preceding, given a brief account of the abolition of slavery in the old colonial states north of Mason and Dixon's line. These acts were all by and through the influence of an anti-slavery sentiment with the people; and thus the measure was proceeding from state to state, until the abolition societies sprang into existence, and commenced the propagation of their unlawful schemes for inciting the slaves to insurrection; and, through secret, organised bands, to kidnap and run off slaves from the southern states to the Canadas. These nefarious acts of the abolitionists, have retarded, and, in fact, put a stop

to all emancipation measures, and paralysed the efforts of the anti-slavery people of the Union. The course pursued by the abolitionists rendered it necessary for the slaveholding states to pass the most stringent laws concerning slaves; and it brought into force many old and obsolete statutes, in order to preserve the lives of the whites, and their homes from the torch of the northern abolition fanatics. These people were but few until within the past twenty years. Now they number many thousands. We deem it but proper to state, for the benefit of the English reader, that the people of the northern states are, generally, opposed to slavery; but they are not abolitionists. There is a vast distinction between these two classes of people. The anti-slavery man is in favour of the emancipation of slavery by lawful proceedings; but the abolitionist is in favour of accomplishing the end by any means, whether lawful or unlawful. The republican party that has recently elected Mr. Lincoln president, does not assume to be an abolition party, though it is anti-slavery. It is opposed to the extension of slavery, which, in reality, is the sentiment of nine-tenths of the people living in the slaveholding states. Among the devoted adherents of the party, however, are the abolitionists; and that affiliation placed Mr. Lincoln under suspicion in the southern states.

There are so many issues springing from the slavery question, that it is impossible for us to explain them satisfactorily in this work; and we cannot but discuss them incidentally. Writers have spoken of the slaveholding states lying next to those which are non-slaveholding, as "breeding states." The epithet is offensive,

and is not consistent with truth. Those states do not allow the importation of slaves as merchandise. A trader cannot carry slaves into them to sell. A family can emigrate to any of those states, with its slaves for its own use. Nearly all the slaves in Missouri were taken there by families removing from Virginia and Kentucky. In 1830, there were but 25,091 slaves in Missouri; but, in 1840, there were 58,240. In Virginia there were 469,757 slaves in 1830; and 449,087 in 1840. Between 1830 and 1840 there was a large emigration into Missouri from Virginia. It was painful to see the great movement of the people from Virginia to the far west during that period. The decrease of the slave population, above shown, amounting to 20,670, (plus the natural increase after 1830, which was at least 20,000—making a total of 40,670), was not on account of their transmission to slave-markets of the Gulf states, but it was principally owing to their removal with the whites to Missouri. The population of Missouri, in 1830, was 140,455; and, in 1840, it was 383,702!

From our own personal observation, since we were capable of studying the progress of human affairs, we are of opinion that there is less natural increase of the slaves of the so-called "breeding states," than of the more southern, or Gulf states. One of the principal reasons for this less natural increase, lies in the fact, that in those states, the slaves are, to a very great extent, domestic or house-servants, particularly the women; and families do not wish their house-servants to be encumbered with children. A maid-servant is worth more than a married

one, and can be sold or hired for a larger sum. After a house-servant has children, as a general practice, she ceases to be employed in the family, and, for the future, takes a place in the field—a position of less respectability and comfort. In order to continue in the domestic service, the slave-maid is, generally, disinclined to marry; and the family surround her with every possible caution to preserve her chastity. She is taught to live as an example worthy of imitation by the other slaves; and, true to the character of her sex, she deports herself with a becoming degree of modesty and discretion. There are many white females, both in the New and the Old Worlds, who might profit by the example of the domestic female slave in the southern states; but it is not for us to indulge in recrimination respecting either of the races.

CHAPTER XV.

The Foreign and Domestic Slave-Trade with the different States of the Union.

Virginia and the Slave-Trade.

On examination of the statutes of the American colonies, we find that there was a very general hostility against the importation of slaves. The several colonies had their orders from the king to sanction and encourage the slave-trade; but on the commencement of the revolutionary war, nearly all the colonies proceeded to enact and enforce laws prohibiting the traffic: among the foremost of these were Virginia and South Carolina. These two states were the most decided of all the American states against the further importation of the African race.

In 1753, conformably to royal orders, the colony of Virginia enacted, that—

"All persons who have been, or shall be, imported into this colony by sea or by land, and were not Christians in their native country, except Turks and Moors in amity with his majesty, and such who can prove their being free in England, or any other Christian country, before they were shipped for transportation hither, shall be accounted slaves, and as such be here bought and sold, notwithstanding a conversion to Christianity after their importation."

Among the early laws enacted by the state of Virginia, after the Declaration of Independence in 1776, was the following prohibition of the slave-trade. It was passed in 1778.

"*Section* 1. For preventing the further importation of slaves into this commonwealth, be it enacted by the general assembly, that from and after the passing of this act, no slave or slaves shall hereafter be imported into this commonwealth by sea or by land, nor shall any slave or slaves so imported be sold or bought by any person whatever.

"*Section* 2. Every person hereinafter importing slaves into this commonwealth contrary to this act, shall forfeit and pay the sum of one thousand pounds for every slave so imported; and every person selling or buying any such slaves shall, in like manner, forfeit and pay the sum of five hundred pounds for every slave so sold or bought, &c.

"*Section* 3. That every slave imported into this commonwealth, contrary to the true intent and meaning of this act, shall, upon such importation, become free.

"*Section* 4. Provided always, that this act shall not be construed to extend to those who may incline to remove from any of the United States, and become citizens of this state, provided that within ten days after their removal into the same, they take the following oath before some magistrate of the commonwealth.

" 'I, A. B., do swear, that my removal to the state of Virginia was with no intention to evade the act for preventing the further importation of slaves within this commonwealth, nor have I brought with me, or will cause to be brought, any slaves, with an intent of selling them, nor have any of the slaves now in my possession been imported from Africa, or any of the West India Islands, since the 1st day of November, 1778, so help me God.' "

The other southern states having enacted laws to prohibit the importation of African slaves, it was supposed that the increase of slavery from across the sea was stopped; but the slave-traders from the northern states, particularly New Hampshire, managed to defeat the intentions of the Virginia legislature, as declared in the act of 1778. With a view to prevent the possibility of any evasion of the prohibition, the legislature of that commonwealth enacted the following law in 1785:—

"That no person shall henceforth be slaves within this common-

wealth, except such as were so on the first day of the present session of the assembly; and the descendants of the females of them. Slaves which shall hereafter be brought into this commonwealth, and be kept therein one whole year together, or so long at different times as shall amount to one year, shall be free."

The preceding law was found to be excessive, and prevented many good people from the northern states from emigrating to Virginia; and, in order to give relief to actual *boná fide* settlers, the law was amended, so as to permit families to bring their slaves from other states of the Union, provided they took the oath hereinbefore given. In the meantime, a question arose as to the right of property in certain mulattoes, who were nearly white. They had been brought from the northern states; and the legality of their slaveship was questioned. "They were nearly white, with straight hair, and no marks of the African race to be seen about their person," having been well bleached by the northern whites; yet the emigrants insisted upon their right of property in them, based upon either descent or purchase. In order to put at rest the question, and enable the owner to prove the legality of his claims, the legislature of Virginia, in 1785, passed the following law:—

"That every person of whose grandfathers or grandmothers any one is, or shall have been a negro, although all his other progenitors, except that descending from the negro, shall have been white persons, shall be deemed a mulatto; and every such person who shall have one-fourth part or more of negro blood, shall, in like manner, be deemed a mulatto."

Again a question arose as to who were mulattoes; and, to settle the question, the legislature, in 1786, enacted the following law:—

"Every person other than a negro, of whose grandfathers or

grandmothers any one is, or shall have been a negro, although all his or her other progenitors, except that descending from a negro, shall have been white persons, shall be deemed a mulatto; and so every such person who shall have one-fourth part or more of negro blood, shall, in like manner, be deemed a mulatto."

Notwithstanding the efforts of Virginia to put a stop to the traffic in slaves, and their importation from the northern states of the Union, yet there were those who, under the influence of a lust for gold, were actually guilty of kidnapping free negroes in the northern states, and carried them to Virginia, and other southern states, to hold or sell them as slaves. To prevent the repetition of such nefarious transactions, the legislature enacted the following law in 1786:—

"*Whereas*, several evil-disposed persons have seduced or stolen the children of black and mulatto free persons, and have actually disposed of the persons so seduced or stolen, as slaves, and punishment adequate to such crimes not being by law provided for such offenders:

"*Be it enacted*, That any person who shall hereafter be guilty of stealing or selling any free person for a slave, knowing the said person so sold to be free, and thereof shall be lawfully convicted, the person so convicted *shall suffer death without the benefit of clergy.*"

With a view to further avoid the evasion of the laws enacted to prevent the slave traffic from the northern states, by their importation from Africa into some of those states, and from thence into Virginia, the following law was enacted by the legislature of that state, in 1792:—

"That no persons shall henceforth be slaves within this commonwealth, except such as were so on the 17th day of October, 1785; and the descendants, being slaves, as since have been, or hereafter may be brought into this state, or held therein pursuant to law."

In 1806, the legislature of Virginia deemed it necessary

to pass a further prohibition against the importation of slaves into the state. The northern states had passed laws to gradually emancipate their slaves; and, in order to avoid the loss of their property, many of the people removed to Virginia, or to some of the other southern states. This rapid increase of slavery in the south, was objectionable to the whites of those states; and hence the repeated enactments concerning the importation of slaves. The following law was passed in 1806:—

"That if any slave or slaves shall hereafter be brought into this commonwealth, and shall either be kept therein one whole year, or so long, at different times, as shall amount to one year, or shall be sold or hired within this commonwealth, in every such case the owner shall forfeit all right to such slave or slaves, which right shall absolutely vest in the overseers of the poor of any county or corporation, who shall apprehend such forfeited slave or slaves within their jurisdiction, in trust for the benefit of the poor of such county or corporation.

"And every person hereafter bringing into this commonwealth any slave or slaves, contrary to this act, shall forfeit and pay the sum of four hundred dollars for every slave so brought in; and every person selling, buying, or hiring any such slave or slaves, knowing the same to have been brought in contrary to the provisions of this act, shall forfeit and pay the sum of four hundred dollars for every slave so brought, sold, or hired; which forfeiture shall accrue to the use of the commonwealth, to be recovered by action of debt or information, in which the defendant shall be held to special bail; judgment shall be rendered without regard to any exception for want of form, and an attorney's fee of twenty dollars shall be taxed in the bill of costs."

The temper of the Virginians had been aroused, on account of the repeated evasion of the laws prohibiting the importation of slaves from the northern states, in which laws had been enacted for their emancipation. The preceding act had been in force only a few years, when

an effort was made to get it modified, in order to permit actual settlers from the northern states to come into Virginia with their slaves. The expansion of the population in those states had exceeded the requirements of the agricultural domain for labour: there were lands enough in Virginia for a very great increase of population. The people of this state were anxious to have the white immigration; but they were not willing, nor would they consent to an increase of slavery within their dominion. With a view to effect the ends desired, the legislature enacted the following most singular law in 1812:—

"That all persons now residing within this commonwealth, or who may hereafter remove to the same with a *bonâ fide* intention of becoming citizens and inhabitants thereof, who now are, or at the time of his, her, or their removal, may be the owner or owners of any slave or slaves born in any of the United States, or territories thereof, shall be, and they are hereby authorised to bring into, and hold within this commonwealth, any such slave or slaves; provided that said owner or owners shall, within thirty days after such slave or slaves shall have been brought into this commonwealth, exhibit to some justice of the peace of the county in which he, she, or they may reside, or have removed to, a statement in writing, containing the name, age, sex, and description of each and every slave so brought in, and shall, moreover, make oath, or solemn affirmation before such justice, that the said statement contains a true account of the slaves so brought in; and that the said slave or slaves were not brought into this commonwealth for the purpose of sale, or with the intent to evade the laws preventing the further importation of slaves; and within sixty days thereafter, return such statement, together with a certificate of said oath or affirmation, to the court of the same county, to be there recorded.

"And provided, also, that the said owner or owners shall, within three months after any slave or slaves shall have been so brought into this commonwealth, export a female slave above the age of ten years and under the age of thirty, for every slave so as aforesaid imported; and within the said period, return to the court of said county a statement containing the name, age, and description of

the slave or slaves so exported, and give satisfactory evidence to the said court of the performance of the said condition, and make oath that he, she, or they have *bonâ fide* performed the same."

The object of this law was to prevent the increase of slavery in Virginia. The slaves imported were mostly males; and by the reduction of the females, the state expected to lessen the natural increase. This was based upon the principles some years since proposed by the celebrated Indian chief, Black Hawk; which was to place all the males in one state, and all the females in another. The scheme, as such, was, and ever will be, impracticable. If the female negroes were placed in the one state or section of the country, the whites would, within a few years, mulatto the race. If the males were confined to a certain section, experience has proved that the white females would be subjected to the most horrible violence. A little more than 200 years (1620) before this act was passed, the London Company shipped to Virginia several cargoes of white females, and sold them to the Virginians for wives: these women bought from fifteen to thirty pounds each; and from the sales the company realised considerable revenue. On the arrival of each cargo of women, the men gathered from all directions, and the competition was active among the purchasers. The highest bidder got the prize; but all were sold each time. The London Company gave employment to married men in preference to the single; and that created a necessity for a wife; or, in other words, it made sure the sales of the women shipped to America by the company. The Virginians, in the above law, had certainly forgotten their ancestral proclivities for female companionship.

It was not difficult for the owner importing the slave to secure the exportation of the female slave, of an age between the years of ten and thirty. Many Virginians were, at that time, removing to the western states; and an arrangement was readily effected to comply with the law, by the nominal exportation of the female accompanying and belonging to the family removing to the west. In a few years thereafter, slavery in the northern states was abolished, and the prohibitory laws of Virginia then became dead letters.

South Carolina and the Slave-Trade.

We now propose to give some account of the laws of South Carolina, having reference to the slave-trade. This state is, and has been considered, by foreign people, as the most unreasonable of all the states, with respect to the perpetuity of slavery. We will give a few extracts and notices of the record, "behind which no man can go."

In 1703, it was enacted, that—

"Any slave killing an enemy in time of invasion, shall be granted his freedom. Any slave that gets wounded in the attempt to kill an enemy, shall be supported at the public expense. In either case the master shall be paid for his slave from the public treasury."

In 1788, the legislature of South Carolina enacted—

"No negro or other slave shall be imported or brought into this state either by land or water, on or before the 1st of January, 1793, under the penalty of forfeiting every such slave or slaves to any person who will sue or inform for the same; and under further penalty of paying £100 to the use of the state for every such negro or slave so imported or brought in: provided that nothing in this prohibition contained shall extend to such slaves as are now the property of citizens of the United States, and at the time of passing this act shall be within the limits of the said United States."

In 1792, the preceding law was extended as follows:—

"That no slave shall be imported into this state from Africa, the West India Islands, or any other place beyond the sea, for and during the term of two years, commencing from the first day of January, 1793.

"That no slave or negro, Indian, Moor, mulatto, or Mestizo, bound to service for a term of years, shall be brought into this state, by land or water, from any of the United States, or any of the countries bordering thereon, ever hereafter: provided, however, actual citizens of the United States shall and are hereby permitted to come into this state, and settle with their slaves."

Again, in 1794, the legislature extended the prohibition thus:—

"That no slave or person of colour, bond or free, shall be permitted to be imported, or land, or enter the state from the Bahamas or West India Islands, or from any part of the continent of America, without the limits of the United States, or from any other parts beyond the seas."

In 1796, the law was extended to 1799, with a penalty attached in case of a violation; the person to be subjected to a fine and imprisonment for each person imported in violation of the law. In 1798, the law was extended to 1801. In the year 1800, it was extended to 1803; and it enacted, that no slave should be brought into the state from any part of the world, not even from any of the United States. This statute was passed for the same reasons that had induced the state of Virginia to enact laws prohibiting the importation of slaves from other parts of the Union, and especially the northern states, where emancipation laws had been passed. The South Carolina statute further enacted—

"That it shall and may be lawful to and for any person travelling into or through this state, to bring into the same one or more slaves or free persons of colour, not exceeding two, as necessary attendants

on such person or his or her family; and for no other purpose whatsoever: provided, nevertheless, to exempt such person from the penalties of this act, every such person shall make an oath before some justice of the peace, near to the place where they shall enter the state, that such slave or slaves, or persons of colour, is or are his or her necessary attendants; and that he or she will not sell or dispose of such slave, or persons of colour, but will take the same back with him or her to his or her usual place of residence."

The courts of South Carolina found it difficult to trace the title of the owner to his slave; and persons bringing into the state slaves from another in which emancipation laws had been passed, could not be compelled to reveal from whence they brought their chattels. A man was not expected to criminate himself. In order to make practicable the former most stringent prohibitory laws, which were really beyond the possibility of enforcement, the legislature passed the following permissive statute, then supposed to be necessary as a question of comity:—

"That all and every person or persons removing into this state, with their slaves, shall, immediately on entering the state, take the following oath, before some justice of the peace:—

"'I, A. B., do swear, that my removal into the state of South Carolina is with no intention of evading the several laws of this state, for preventing the further importation of slaves into this state; nor have I brought with me any slave or slaves with an intention of selling them; nor will I sell or dispose of any slave or slaves so brought with me as aforesaid, within two years from the date hereof; and it is my intention, *bona fide*, to become a resident and citizen of the said state.'

"That each and every slave who shall hereafter be imported or brought into this state, except under the limitations prescribed by this act, shall be, and each and every one of them are hereby declared to be free, in whosoevers hands they may be."

In 1803, the legislature passed an act, declaring that the statutes of 1800 and of 1801, prohibiting the importa-

tion of slaves into the state of South Carolina, "shall be, and the same are hereby declared to be perpetual laws."

By statute of 1820, it was enacted—

"That if any person or persons shall hereafter bring, or cause to be brought into this state, any free negro or person of colour, and shall hold the same as a slave, or sell or offer the same for sale, to any person or persons in this state, as a slave, every such person or persons shall pay for every such free negro, or free person of colour, the sum of 1,000 dollars over and above the damages which may be recovered by such free negro."

By act of 1837, it was further declared—

"That whoever shall hereafter be convicted of the forcible or fraudulent abduction, or assisting in the forcible or fraudulent abduction of any free person of colour living within this state, with intent to deprive him or her of his or her liberty, shall be fined not less than 1,000 dollars, and be imprisoned for not less than twelve months.

"And whoever, in addition to such abduction, shall actually sell or assist in selling, or cause to be sold, such person as a slave, shall, upon being duly convicted thereof, in addition to such fine and imprisonment, receive thirty-nine lashes on the bare back."

Notwithstanding the laws of Congress prohibiting the African slave-trade, and the former laws of South Carolina against the importation of slaves into that state, the legislature, even so late as 1835, found it necessary to renew the former acts in such form as to meet the then existing state of slavery. It was therefore enacted—

"That it shall not be lawful for any citizen of this state, or other person, to bring into this state, under any pretext whatever, any slave or slaves from any port or place in the West Indies, or Mexico, or any part of South America, or from Europe, or from any sister state situated north of the Potomac River, or city of Washington."

We do not understand why the legislature excluded the slaves from Maryland and Delaware, unless it was owing to the fact, that the slaves of those states were indifferent

labourers, and not much, if at all, more useful than free negroes.

We have thus fully quoted from the laws of the state of South Carolina; they prove a morality in legislation worthy of example. We might have given many more of the same tenor; but we deem the preceding sufficient to show the commendable course of that state respecting the slave-trade.

North Carolina, and the Slave-Trade.

We will now notice a few of the statutes enacted from time to time by the legislature of North Carolina. Various laws have been passed to prevent the importation of slaves into the state, from beyond the sea, or from any other country, excepting the states of the Union. After the northern states passed laws for gradual emancipation, the whites of those states, as we have before mentioned, carried their slaves to the south, in order to sell them, and in that manner realise upon their property, which, by their own legislative enactments, had been declared to be free within a given number of years thereafter. With the intention to defeat such unjust disregard for the laws, and to prevent the increase of slave property in the state, the legislature of North Carolina enacted the following in 1786:—

"That every person who shall introduce into this state any slave or slaves after the passing hereof, from any of the United States which have passed laws for the liberation of slaves, shall, on complaint thereof before any justice of the peace, be compelled by such justice of the peace, to enter into bond with sufficient security in the sum of £50 current money, for each slave, for the removing of such slave or slaves to the state from whence such slave or slaves were brought, within three months thereafter, &c.".

Again, in the year 1795, the legislature enacted the following, in order to prevent the evasion of the law prohibiting the importation of slaves from Africa. It was the practice to land the slaves stolen from Africa at the Bahama Isles, and other places, and reship them in other vessels to the American states.

"That from and after the first day of April next (1795), it shall not be lawful for any person coming into this state, with an intent to settle or otherwise, from any of the West Indies or Bahama Islands, or the settlements in the southern coast of America, to land any negro or negroes, or people of colour, over the age of fifteen years, under the penalty of £100 for each and every slave or person of colour, &c."

Georgia and Maryland Anti-Slave-Trade Laws.

The state of Georgia has passed many laws of the same tenor as those enacted by the other southern states, to prohibit the importation of slaves; and to prevent, beyond question, the continuation of the African slave-trade, in 1798 a clause was inserted in the constitution, that—

"There shall be no future importation of slaves into this state, from Africa or any foreign place, after the first day of October next (1798)."

The legislature of the state of Georgia, in 1833, enacted as follows:—

"If any person or persons shall bring, import, or introduce into this state, or aid, or assist, or knowingly become concerned or interested in bringing, importing, or introducing into this state, either by land or by water, or in any manner whatever, any slave or slaves, each and every such person or persons so offending shall be deemed principals in law, and guilty of a high misdemeanor, and may be arrested and tried in any county in this state, in which he, she, or they may be found, and, on conviction, shall be punished by a fine not exceeding 500 dollars each, for each and every slave so brought, imported, or introduced, and imprisonment and labour in the peniten-

tiary* for any term not less than one year, nor longer than four years: provided, however, this act shall not prohibit actual settlers from coming into this state with their slaves from any of the other states of the Union."

The state of Maryland, at an early day after the revolution, enacted laws against the increase of slavery. The following was enacted in 1797, in order to prevent the importation of slaves from Africa, and from the northern states, where emancipation laws had been passed :—

"That it shall not be lawful, from and after the passing of this act, to import or bring into this state, by land or by water, any negro, mulatto, or other slave for sale, or to reside within this state; and any person brought into this state as a slave, contrary to this act, if a slave before, shall thereupon immediately cease to be the property of the person or persons so importing or bringing such slave within this state, and shall be free."

Exceptions were permitted in favour of persons who came into the state with the *bonâ fide* intention to become permanent citizens of the state of Maryland; but even in such cases, the slaves or their mothers must have been residents of the United States at least three years previous to 1797. In 1809, the following law was enacted to prevent the importation of slaves from the northern states that had passed emancipation laws :—

"That from and after the passage of this act, if any person or

* Imprisonment in a penitentiary, in the United States, is of the greatest degradation. A man that has served even but one year, or but one month in that prison, can never regain a character. In many of the states he cannot ever thereafter vote, serve on a jury, or hold any office of the state. His evidence is refused in court; he cannot sue or be sued; and his conviction entitles his wife to a divorce; he cannot hold property; nor can he get shelter for a night where his character is known. There are, of course, exceptions in the enforcement of the society custom; but there is no man with any sense of honour but would prefer death to a penitentiary disgrace.

persons shall import or bring into this state any free negro or mulatto, or any person bound to service for a term of years only, and shall sell or otherwise dispose of such free negro, mulatto, or person bound to service for a term of years only, as a slave for life, or for any longer time than by law such person may be bound to service, knowing such negro or mulatto to be free, or entitled to freedom at a certain age, every such person or persons shall, for every such offence, forfeit and pay the sum of 800 dollars;" and in case of failure to pay, the person or persons so offending shall be condemned to work on the public roads for a term not exceeding five years.

In the year 1809, the legislature found it necessary to enact more stringent laws to prohibit the evasion of the statute against the foreign slave-trade. The following was among the acts passed unanimously in that year:—

"Every commander of a vessel convicted of wilfully importing into this state from any foreign country any slave, and every person convicted of bringing into this state, by land or water, any negro or mulatto from any foreign country, with intent to dispose of such negro" within this state as a slave, the said persons so offending shall be sentenced to confinement in the penitentiary for a term not less than one year, nor more than five years.

In 1831, the legislature passed a law totally prohibiting the importation of slaves into that state from the other states of the Union; but, in 1833, it was believed to be oppressive upon the people of the slaveholding states, who wished to reside near Washington, but within the jurisdiction of Maryland; and the law of 1831 was modified in favour of actual *bonâ fide* residents. By a law of 1839, white persons coming into the state, importing slaves with them from other states of the Union, were required to make an oath that they came into the state with the intention of becoming citizens of Maryland, and that they did not bring the slaves for the purpose of selling them.

The said white persons were required to register, in the clerk's office of the county, the names and full descriptions of the slaves imported by them; and for such registration to pay a fee, which was appropriated for the benefit of the African Colonisation Society.

ANTI-SLAVE TRADE LAWS OF THE NEW SOUTHERN STATES.

We have noticed a few of the laws of all the original southern states, excepting Delaware; and its statutes are very similar to those of Virginia and Maryland. We will now proceed to cite a few of the enactments of the new southern states; that is, those admitted into the Union since the constitutional government was formed in 1789. The first of the new states was Kentucky; and all the statutes in force within the state of Virginia on the 1st day of June, 1793, were declared to be the laws of Kentucky; and having, under the head of "Virginia," cited a few of them, we do not deem it necessary to do more than refer to some of the auxiliary enactments passed by Kentucky since 1793; excepting the following, which was passed by the district assembly in 1790:—

"That no slave shall be imported into this state from any foreign country, nor shall any slave who has been imported into the United States from any foreign country since the 1st day of January, 1789, or who may be hereafter imported into the United States from any foreign country, be imported into the state under the penalty of 300 dollars.

"That no slave shall be imported into this state as merchandise; and any person so offending shall forfeit and pay a fine of 300 dollars."

The Virginia laws of 1753, 1778, and 1785, were especially re-enacted, and full warning given of their enforce-

ment. In order to prevent the traffic in slaves from other states of the Union, a statute was enacted in 1815, prohibiting the importation of slaves from the other states, except for domestic purposes, and accompanying the white family to which the said slave or slaves might belong; and the owner was required to take the following oath, which is still enforced in Kentucky:—

"I, A. B., do swear, that my removal to the state of Kentucky was with an intention to become a citizen thereof, and that I have no slave or slaves, and will bring no slave or slaves to this state with intent of selling them."

In the state of Tennessee but few laws have been passed respecting the condition of slaves: the same may be said of Arkansas. These states being interior, and organised since the prohibition of the slave-trade by the sea-coast states, there seemed to be no necessity for the passing of laws upon the subject.

The revised statutes of Missouri, of 1835, declare, that—

"Hereafter no person shall bring, or cause to be brought into this state, or hold, purchase, hire, sell, or otherwise dispose of, within this state, any person, or the descendants of any person, who shall have been imported into the United States, or any of the territories thereof, in contravention of the laws of the United States, and held as slaves, under a penalty of 500 dollars, recoverable by indictment."

The state of Mississippi has ever been hostile to the slave-trade; and, in 1822, the legislature enacted the following law:—

"It shall not be lawful for any person whatsoever to bring into this state, or to hold therein, any slave or slaves, born or resident out of the limits of the United States. Every such offender shall forfeit and pay to the state, for the use of the literary fund, for each slave so brought in, sold, purchased, or hired, a fine of 1,000 dollars."

In 1839, the legislature of Mississippi enacted—

"That if any person shall hereafter bring or import any slave or slaves into this state, as merchandise, or for the purpose of selling or hiring such slave or slaves, or shall be accessory thereto, the person or persons so offending shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in the sum of 500 dollars, and be imprisoned for a term not less than one, nor more than six months, at the discretion of the court, for each and every slave by him brought into this state as merchandise, or for sale, or for hire."

The legislature of Alabama has enacted laws, from time to time, adverse to the slave-trade. In 1843, the following law was passed:—

"Any slave or slaves brought or imported into this state, contrary to the laws of the United States in such cases made and provided, shall be condemned by any superior court of this state, within whose jurisdiction the said slave or slaves shall be brought or be seized, upon libel filed in the said court, and shall be sold by the proper officer of the court, to the highest bidder at public auction, for ready money, after advertising the time and place of such sale, in some newspaper in this state, at least fifteen days previous thereto."

By statute of 1807, it was enacted—

"That if any person or persons shall hereafter be guilty of stealing or selling any free person for a slave, knowing the said person so sold to be free, and shall be thereof lawfully convicted, the person or persons so convicted shall suffer death."

This law has been construed to mean, that if any person import an African, and shall sell him, the said person is liable under the above statute. In case a slaver should evade the laws forbidding the importation of the Africans, and should land them in the state of Alabama, the laws provide for the employment of a portion of the Africans on public works, and a part of them to be hired to persons for a sufficiency to support such of them as the

governor may find in necessity; the intention being, that the imported Africans shall not be an expense to the state; but that they shall work, and earn enough for their support.

The states of Louisiana, Florida, and Texas have no laws against the importation of African slaves. The slave-trade having been abolished many years before they were admitted into the Union as states, they have not deemed it necessary to pass prohibitory statutes. The United States' laws, abolishing the foreign slave-trade, have been fairly administered in those states.

Having thus cited some of the laws of the southern states, prohibiting the foreign slave importation, and concerning the internal slave-trade, we will now proceed to give a few of the statutes enacted in the northern states when slavery existed in those states, as their character and tenor will aid the reader to form a proper idea respecting the moral of the existing slave codes in the southern states; and besides, some of them will explain the causes producing the enactments in the south, and verify the truth of some of the remarks which we have added to those laws, as explanatory.

The Slave Traffic in the Northern States.

The legislature of New Jersey, in 1798, enacted a law, prohibiting any person from fitting out a vessel to carry on the slave-trade between Europe, Asia, Africa, or America, or anywhere else, under the penalty of forfeiture of the ship, cargo, tackle, &c. In 1820 it enacted, that all masters of vessels should file a certificate of the

name and description of every slave taken on board, and should enter into a bond "to return the said slave or slaves to the state of New Jersey;" and, in case of failure, should pay a fine of not less than 1,000, nor more than 2,000 dollars, and be imprisoned, "at hard labour in the penitentiary, for a term of not less than two years, nor more than four years." The object of this law was to prevent the carrying of slaves into the southern states, to evade the emancipation laws of New Jersey. It was further enacted that no slave should be brought into that state from any of the other states of the Union, under the penalty of 140 dollars. It appears that no laws were passed in this state prohibiting the slave-trade.

In Pennsylvania there were no laws against the importation of African slaves; but the following enactment of 1780 served as an equivalent to a prohibitory statute:—

"All persons, as well negroes and mulattoes as others, who shall be born within this state, shall not be deemed and considered as servants for life, or slaves; and all servitude for life, or slavery of children, in consequence of the slavery of their mothers, in the case of all children born within this state from and after the passing of this act as aforesaid, shall be and hereby is utterly taken away, extinguished, and for ever abolished:" provided, however, children born hereafter of slave mothers, are to be held to servitude until they are twenty-eight years old.

By an act of the legislature of New York, passed in 1788, it was declared—

"That every negro, mulatto, or muztee within this state, who, at the time of the passing of this act is a slave for his or her life, shall continue such for and during his or her life, unless he or she shall be manumitted or set free in the manner prescribed in and by this act, or in and by some future law of this state.

"That the children of every negro, mulatto, or muztee woman,

being a slave, shall follow the state and condition of the mother, and be esteemed, reputed, taken, and adjudged slaves to all intents and purposes whatsoever."

In 1788 an act was passed, prohibiting the importation of slaves from foreign countries, under the penalty of £100 sterling; and the same law prohibited the importation of slaves from other states. Again, in the year 1815, it was enacted, that—

"No person held as a slave shall be imported, introduced, or brought into this, on any pretence whatever, except in the cases hereinafter specified, &c.

"The preceding section shall not be deemed to discharge from service any person held in slavery in any of the United States, under and by the laws thereof, who shall escape into this state."

A similar law to the above was enacted in 1817; and full faith and credit were directed to be given to the fugitive slave law of Congress, passed in 1793. In 1810, a very rigid law was enacted, prohibiting the taking of slaves out of the state, in order to sell them in other states. As the emancipation laws had been passed, many of the people were taking their slaves to the southern states; and, to prevent an evasion of the statutes, the exportation of slaves was prohibited under severe penalties.

We have not been able to find any laws enacted by the states of Connecticut, Rhode Island, Massachusetts, and New Hampshire, against people of those states engaging in the foreign slave-trade; though it is well known that the importation of slaves was not permitted by their statutes or constitutions. There was no market for the slaves in those states; and hence there was but little necessity for the enactment of prohibitory laws for their own protection: but they might have passed more

stringent statutes, and prevented the fitting-out of ships for the carrying on of the traffic. So long, however, as the southern states remained permissive slave-markets, there were northern shippers ever ready to speculate upon the sale of the kidnapped African. These proceedings ultimately became offensive to the humane sentiment of the whole southern people; and hence the repeated enactment of laws to prevent the landing of slaves in those states. The anti-slavery societies discountenanced the slave traffic; and, after the revolution, Dr. Franklin wrote an appeal to the governor of New Hampshire, as follows:—

"The Society (Anti-Slavery) have heard, with great regret, that a considerable part of the slaves who have been sold in the southern states since the establishment of peace (1783), have been imported in vessels fitted out in the state over which your excellency presides. From your excellency's station, they hope your influence will be exerted, hereafter, to prevent a practice which is so evidently repugnant to the political principles and form of government lately adopted by the citizens of the United States."

CHAPTER XVI.

Education and Assembling of Slaves; their Food and Raiment; Hours of Labour; Slave-Trade between the States; Slave-Market, and the Separation of Families; their Marriage; Right of Speech in Slaveholding States; Constitutional Protection of Slaves; they cannot hold Property; Life among the Slaves; Social Habits, and early Slave-life in Mississippi.

Education and Assembling of Slaves.

In nearly all the slaveholding states there are laws forbidding the education of slaves. They have a permissive right to engage in whatever religious worship they may prefer. The master can restrict their attendance at meetings; but when that right is exercised in the nature of a prohibition, public opinion justifies its denunciation in the pulpit, as it does with every species of hardship in the case of the slave. In 1740, the colony of South Carolina passed a law, which was approved by the crown, enacting—

"That all and every person and persons whatsoever, who shall hereafter teach, or cause any slave or slaves to be taught to write, or shall use or employ any slave as a scribe, in any manner of writing whatsoever, hereafter taught to write, every such person or persons shall, for every such offence, forfeit the sum of one hundred pounds current money."

This most stringent law was passed in 1740, in South Carolina; and, in the same year, we have an account of the trial and conviction of a slave by three justices

and a jury of five persons, under the laws of New York; who was sentenced, and burnt to death.

In 1821, an insurrection of the slaves was attempted; and the city council of Charleston, South Carolina, passed the following; viz.—

"*Resolved*, That the marshal be instructed to inform the ministers of the gospel and others, who keep *night and Sunday schools for slaves*, that the education of such persons is prohibited by law, and that the city council feel imperiously bound to enforce the penalty against those who may hereafter forfeit the same."

From this proclamation, it would seem that, notwithstanding the law of 1740, the slaves were being educated in 1821. After the cessation of the excitement, or suspicion, the slaves were again tanght as they had been before.

In 1800, another act was passed, declaring—

"That assemblies of slaves, free negroes, mulattoes, and mestizoes, and a portion of white persons, met together for the purpose of mental instruction in a *confined* and *secret place*, are declared to be an unlawful meeting; and the magistrates are required to enter such confined and secret places, to break open the doors, if their entrance be resisted, and to disperse the said persons; and they may inflict such corporal punishment, not exceeding twenty lashes, upon such slaves, free negroes, white persons, &c., as they may judge necessary for deterring them from such unlawful assemblage in future." It was further enacted, that "slaves, free negroes, and mulattoes, even in the presence of white persons, are forbidden to meet together for the purpose of mental instruction, either before the rising of the sun, or after the going down of the same."

In Virginia, the revised code of 1819 declares—

"That all meetings of slaves, or free negroes or mulattoes mixing with the slaves, at any meeting-house in the night, or at any school for teaching them to read or write, either in the day or night, under whatever pretext, shall be deemed an unlawful assembly; and any justice of the peace *may* issue his warrant,

directed to any sworn officer, authorising him to disperse the said assembly, and to inflict corporal punishment on the offenders, at the discretion of any justice of the peace, not to exceed twenty lashes."

By revised statutes of 1849, it was declared—

"If a free person write, print, or cause to be written or printed, any book or other writing, with intent to advise or incite negroes in this state to rebel or make insurrection, or inculcating resistance to the right of property of masters in their slaves; or if he shall aid the purposes of any such book or writing, or knowingly circulate the same, he shall be confined in the penitentiary, not less than one, nor more than five years."

In North Carolina, to teach a slave to read or write, or sell to him books *of an incendiary character*, is punished with thirty-nine lashes, or imprisonment, if the offender be a free negro; and if a white man, then with a fine of 200 dollars. In Georgia, to teach a free negro or slave is punished by a fine of 500 dollars, and imprisonment, at the discretion of the court. If the teacher be a coloured man, bond or free, he may be fined or whipped, at the discretion of the court. In Louisiana, it is felony to teach slaves to read and write; and the penalty is one year's imprisonment; and if any one use incendiary language in the pulpit, at the bar, on the stage, or elsewhere, with the view to incite the slaves to discontent and insurrection, they are guilty of felony, and may be punished by imprisonment or death, at the discretion of the court. If the offender has caused an insurrection, he will be sure to suffer death. If his teachings shall only have produced mischief, such as insubordination, without intent of insurrection, the penalty will be imprisonment. In Kentucky, Maryland, Delaware, and a few other states, there are no laws

prohibiting education; but they all have laws forbidding the unlawful assembling of slaves, free negroes, and mulattoes. Although these laws may seem to be barbarously severe, yet they are not practically carried out, except when there is a suspicion of danger. In all cases, the laws would be enforced against teachers coming from the non-slaveholding states, and particularly from New England; and, in fact, nearly every person coming from the latter, is under more or less suspicion when in the southern states. This feeling has been produced by the frequent aiding of slaves to run away to the Canadas, by the abolitionists of those states.

The laws cited may be considered as positive prohibitions to the slaves and free negroes holding or attending religious meetings. The language is plain, and the penalties affixed are severe. Such, indeed, are the laws. We know, however, that they are not rigidly enforced. The negroes, free and slave, attend religious meetings throughout the whole of the slaveholding states, any and every Sunday they may wish, without let or hindrance. There are several religious denominations supporting ministers of the gospel; who, in whole or in part, preach to the slaves, free negroes, and mulattoes, and sometimes in edifices built for their special use. On large plantations, it is common to have a building for their religious worship; and the proprietor supports a clergyman to preach and to teach them. The Methodist episcopal church (south) has an efficient organisation for the religious teaching of the slaves throughout the southern states. In 1859, the missionary fund of this denomination, collected during the

year preceding, was 214,664 dollars; about two-thirds of which sum was employed for the religious education of the slaves. In the state of South Carolina, in 1859, there were thirty-nine clergymen engaged in preaching to the slaves and free negroes, with an actual membership and communion of 11,000 souls. In that year, there were in the slaveholding states, excepting Delaware, Maryland, and a part of Virginia, which belong to the northern connexion, or fellowship, 197,348 coloured communicants in the Methodist church. Of the 214,664 dollars collected for missionary purposes in 1859, two-thirds of the amount were devoted to the payment of salaries of preachers to the slaves, at the rate of 100 dollars per annum, exclusive of presents given by the congregations, of their own handiwork, consisting of socks, gloves, flannel, cloths, &c., &c. Besides the regularly employed clergymen for the negro missions, there are, occasionally, negro chapels, under the unpaid direction of a clergyman having charge of a white congregation. There are, also, coloured clergymen having charge of missionary stations.

For many years it has been the policy of the slaveholding states to encourage religious instruction among the slaves. The pen cannot describe the peculiarities of these people; and to understand their habits and ideas of this world and the life hereafter, a long residence among them is necessary. They are naturally religious; and as they are freed from worldly cares—their food and raiment being secured to them by law—their thoughts are devoted to the future welfare of their souls. Religious teaching makes them better servants, and affords them

subjects for their private discussions. It leads them out of temptation, and elevates their social condition; for they have a great pride in being recognised as members of the church.

We insert the following description of a slave congregation, of Charleston, South Carolina. Similar religious assemblies of the slaves is common throughout all the slaveholding states.

"Such an audience as I saw there on the afternoon of the 8th of July, I have never seen before; and none could see it but with pleasure and satisfaction. It spoke a higher eulogy on southern institutions than anything I ever saw. There were seated in that large building some two thousand slaves devoutly and reverentially engaged in divine worship; all clean, well-fed, well-clothed, happy in looks, and conducting themselves with a propriety and piety which could not be surpassed by the whites. Earth does not present, in my judgment, the African in any circumstances more favourable than these. The whole continent of Africa does not exhibit them in a single spectacle as favourably as this. It was the very best exhibition of Africans I have ever seen; and it was the product of southern institutions.

"The preacher, too, was so faithful. He urged upon his audience the duty, the necessity, and the blessings of labour with the greatest fidelity. He warned them against all sin. He opened plainly, but fully and distinctly, the plan of salvation, and showed himself a workman that need not be ashamed—rightly expounding the Word of Truth.

"I have no doubt but that his preaching and influence are worth, to Charleston, more than one hundred police officers. The value and safety of our institutions depend almost altogether upon the character of our servants; and the pulpit imparts that character."

With respect to unlawful assemblies, if the slave have a "pass" from his master, he cannot be disturbed. Suppose five slaves of one plantation wish to visit and take tea with their friends on another plantation—a "pass" from the master will protect them; and they cannot be disturbed,

nor subjected to the lash. This pass generally reads thus:—"To the gentlemen patrol.—My servant John has permission to visit the plantation of Mr. Jones, and to return home by ten o'clock to-night." This pass must be signed by the master, overseer, or some member of the owner's family. The "patrol" is composed of some two, three, or more men, commissioned by an officer of the law; who go from plantation to plantation, to see if there are any unlawful assemblings of the slaves. These searching visits are, perhaps, made once a year; or, as in most of the slaveholding states, only when there is suspicion of an insurrection, which may not occur once in ten years. If they find a slave from another plantation without a pass, he is whipped. But in all these transactions, it is, as in many other things of life, necessary to catch before whipping. If the slave can escape to his plantation, the lash will have been cheated of its victim; for the master will never permit his slave to be whipped if it can be avoided; and the laws afford every facility for the master to protect his servant. A pass from the master will permit the slave to go and come in any part of the state, and throughout the whole of the slaveholding states. The "patrol" is, to a considerable extent, a police. If the slave be caught, he is moderately whipped. The amusement of the patrol is in catching, and not in hurting him; and the captured negro is the butt of his fellows until another is entrapped; and thus the sport goes on. Sometimes the house-slaves treat the patrol to "ash-cake and sausage;" and then their (the patrol's) eyes are so blinded that they cannot see their victim peeping from beneath a pile of old

clothes in the corner of the cabin. Notwithstanding the system is ordinarily an amusement, yet, in times of insurrection, the laws are rigidly enforced. The alarm is given from cabin to cabin; and woe be to him who wanders beyond his lawful bounds after the sun fades away behind the horizon of the west. The law was not made to make the slaves suffer, but for their good, and the peace of society. Slaves and free negroes occasionally attend Sunday-schools, and frequently study at home. In our youth we taught slaves to read and write, and attended sabbath school, in which they were scholars; and we have no doubt but that there was a slave school within the sound of the cannon on the memorable day of the battle of Bull Run, in the same chapel where we taught slaves to read, in Sunday-school, more than a quarter of a century ago. The value of a slave that can read and write, is greater than of a slave who cannot. The collecting together of the slaves of a plantation is not an unlawful assembly.

Food and Raiment of Slaves.

The statutes of South Carolina enact, that—

"In case any person, &c., who shall be owner, or who shall have the care, government, or charge of any slave or slaves, shall deny, neglect, or refuse to allow such slave or slaves under his or her charge, sufficient clothing, covering, or food, it shall and may be lawful for any person, on behalf of the said slave or slaves, to make complaint to the next neighbouring justice in the parish where such slave or slaves live or be employed; and the said justice shall summon the party against whom such complaint shall be made; and shall inquire of, hear, and determine the same; * * * and shall make such orders for the relief of such slave or slaves as he in his

discretion shall think fit; and shall and may set and impose a fine or penalty on any person who may offend in the premises, in any sum not exceeding twenty pounds, current money, for each offence, to be levied by warrant of distress and the sale of the offender's goods," which may be the slave neglected.

In Louisiana, the law requires, that—

"Every owner shall be held to give his slaves the quantity of provisions hereinafter specified—to wit, one barrel of Indian corn, or the equivalent thereof in rice, beans, or other grain, and a pint of salt; and to deliver the same to the slaves, in kind, every month, and never in money, under a penalty of a fine of ten dollars for every offence." "The slave who shall not have, on the property of his owner, a lot of ground to cultivate on his own account, shall be entitled to receive from the said owner one linen shirt and pantaloons for the summer; and a linen shirt and woollen great-coat and pantaloons for the winter."

In North Carolina, the law enacts, that—

"In case any slave or slaves who shall not appear to have been fed and clothed according to the intent and meaning of this act—that is to say, to have been sufficiently clothed, and to have constantly received for the preceding year an allowance of not less than a quart of corn per day—shall be convicted of stealing any corn, cattle, &c., &c., from any person not the owner of said slave or slaves, such injured person shall and may maintain an action of trespass against the master, owner, or possessor of such slave, &c.; and shall recover his or her damages."

The laws of Georgia declare, that—

"Any owner of a slave or slaves, who shall cruelly beat such slave or slaves by unnecessary or excessive whipping; by withholding proper food and nourishment; by requiring greater labour from such slave or slaves than he or she or they may be able to perform, by not affording proper clothing, whereby the health of such slave or slaves may be injured or impaired; every such owner or owners of slaves shall, upon sufficient information being laid before the grand jury, be by said grand jury presented; whereupon it shall be the duty of the attorney or solicitor-general to prosecute said owner or owners for misdemeanor; who, on conviction, shall be sentenced to pay a fine, or imprisonment in the county jail, or both at the discretion of the court."

Another statute of Georgia enacts, that—

"From and after the passing of this act (1815), it shall be the duty of the inferior courts of the several counties in this state, on receiving information on oath, of any infirm slave or slaves in a suffering condition, from the neglect of the owner or owners of said slave or slaves, to make particular inquiries into the situation of such slave or slaves, and render such relief as they in their discretion shall think fit. The said courts may, and are hereby authorised to sue for and recover, from the owner or owners of such slave or slaves, the amount that may be appropriated for the relief of such slave or slaves, in any court having jurisdiction of the same, any law, usage, or custom to the contrary notwithstanding."

We have cited the preceding laws, in order to show the legal obligations upon masters to feed and clothe their slaves. But these laws do not give a correct representation of their condition. They are well clad and fed. Their clothes are of plain woollen or cotton materials; and they are provided with shoes, hat, stockings, and bed-clothes. Boys and girls, in summer, generally go "bare-foot," as is the case with many of the white children. The climate being hot in summer, and mild in winter, heavy clothing is not required. They have three meals per day: for breakfast and supper they have coffee, bread, and meat; and at dinner they have vegetables, meat, bread, &c.

Hours of Labour of the Slaves, and their Protection.

In Louisiana the law enacts, that—

"As for the hours of work and rest which are to be assigned to slaves in summer, the old usage of the territory shall be adhered to; to wit—the slave shall be allowed half-an-hour for breakfast during the whole year; from the first of May to the first day of November, they shall be allowed two hours for dinner; and from the first day of November to the first day of May, one hour and a half for dinner. *Provided*, however, that the owners who will themselves take the trouble of causing to be prepared the meals of

their slaves, be, and they are hereby authorised to abridge, by half-an-hour per day, the time fixed for their rest."

In all the slaveholding states, work not necessary is forbidden on the sabbath. The "necessary work" is cooking, feeding the stock, &c. A day's work for the slave is the same as that of the white man—commencing about the rise of the sun, and ending with its setting. There is, however, an obsolete law of South Carolina, passed when it was a colony, and approved by the king in 1740, which forbids owners of slaves to work them "more than fourteen hours in twenty-four hours, from the 25th day of September to the 25th day of March," "under the penalty of a fine not to exceed twenty pounds, nor under five pounds current money." This law, though obsolete for at least a century, is continually published by writers, in such manner as to make the reader believe that the owners of slaves work them "fourteen hours per day" at the present time.

Abolition sensation-writers frequently republish advertisements taken from southern newspapers, offering a reward for runaway slaves, *whether dead or alive*. The reader might suppose, from such evidence, that the killing of slaves was justified by the laws. The constitution of the state of Georgia, adopted in 1798, declares as follows; viz.—

"Any person who shall maliciously dismember, or deprive a slave of his life, shall suffer such punishment as would be inflicted in case the like offence had been committed on a free white person, and on the like proof, except in case of insurrection by such slave, and unless such death should happen by accident in giving such slave moderate correction."

The constitution of the state of Missouri declares, that—

"Any person who shall maliciously deprive of life, or dismember a slave, shall suffer such punishment as would be inflicted for the like offence if it were committed on a white person." That is, he shall suffer death by hanging.

The laws of all the southern states are very complete in the protection of the slave. Maiming is declared to be felony, and punished by imprisonment in the penitentiary; deprivation of all civil rights for ever; and besides, the offender's property is liable to the owner of the slave for special damages.

The advertisements for the "runaway slave, whether dead or alive," are but the vain display of a bombastic overseer, whose temper finds comfort in demonstrating to others that he is a fool. It is but fair that a whole community should not be held responsible for the acts of an isolated knave and an unprincipled braggart. But the law declares, as Portia did to Shylock, when she told the Jew to take his pound of flesh, that he shall not shed one drop of blood. The owner may advertise for his slave, dead or alive; but woe be to the man who takes the life of a slave. The fugitive, however, cannot resist his arrest.

We deem it proper to state, that there are owners of slaves who do not treat them well. The passing of the laws cited prove that fact, or they would not have been enacted. There is poverty amidst all people; and even whites, in the cities of New York, Boston, &c., have died from starvation. We never heard of a slave dying from starvation, nor from excessive work, or through freezing.

Slave-Trade between the States.

Slaves can be bought and sold in any and all of the slaveholding states. Delaware, Maryland, Kentucky, Mississippi, and several of the others, prohibit the importing of slaves as merchandise. If a family desire to import a servant for domestic use from another state, it must first obtain permission from the legislature, which is not always granted. Slaves can be exported from all the states; and they can be carried into Louisiana, Texas, &c., and sold as merchandise. A slave-trader, for example, in Virginia, purchases some ten, twenty, or more slave-men, women, and children; and when he has got a sufficient number, he takes them to a more southern market. They are well clad and fed. These poor creatures travel with a small waggon: the children ride in the waggon; the women walk separately, and the men are chained together. Thus fastened and shackled, they march behind the waggon. The owner, commonly called "the Soul-driver," rides on his horse, behind his slave-gang, well armed; hated and despised by everybody, both white and black. Thus the slaves are purchased, one by one, from the owners—collected together, and fitted out at some town for the journey to a distant state, where they are neatly clad and arranged for sale.

The Slave-Market, and the Separation of Families.

A slave-market is a place where slaves are exposed for sale. The trader has a room, in which he exhibits them to purchasers. The men form a row on one side of the

room; the tallest being upon the right, and the shortest upon the left. On the other side of the room are, in like manner, arranged the women, neatly dressed All face to the front, and, as previously instructed, put on a pleasant look. The slaves have a pride in commanding good prices; and they often boast of their superior value. When the purchaser selects the slave he wishes, by an inspection of his external appearance, he then ascertains his former character, and inspects his back to see if he has any marks of the lash. If none, the purchase is made; if there are scars, he at once objects; and generally, in cases of domestic servants, the scars prevent the sale. The marks of the lash disgrace and decrease the value of the property. For these reasons, no owner wishes his slave whipped or marked. With respect to the selling of married slaves, and the separation of husband and wife, parents and children, the laws are much the same in all the states, with but a few exceptions.

The statutes of Louisiana, passed in 1825 and 1855, prohibit, under penalty of from one to two thousand dollars, the sale of a child under ten years of age, separate from its mother. In Alabama, no execution can be levied upon a child or children under the age of ten years, without including the mother; or upon the mother, without including the child or children, as aforesaid, if living and belonging to the defendant in execution; and the mother, and child or children, must be sold together, unless the parties interested, or one of them, make affidavit, and delivers the same to the officer, that he believes his interest will be materially prejudiced by selling the slaves together:

the officer may permit them to be sold separately; but no levy or sale shall be made by which a child, under five years of age, shall be separated from its mother.

The Marriage of Slaves.

The marriage between slaves is not a legal contract, and can be broken at the will of the owner. Their children are all illegitimate. They are *things*, and are under the laws governing personal property, with but a few limited exceptions. They cannot be married by the law; but they can live together as man and wife. They are usually married by a coloured preacher, or by an old and popular slave. The ceremony is the same as that used by the whites. At the marriage, the owner of the bride generally gives the necessary provisions for a feast. The violin and dancing add considerable gaiety to the occasion. The marriage, thus consummated, is as valid as any other among slaves; but it is of no force in law. They may have a dozen children, and snugly live together as husband and wife. On the other hand, when in the midst of their happiness, surrounded by their children, their owner may be compelled to sell them. That dreadful hour is heartrending to the owner and slaves. The sheriff puts them upon the block, and proceeds to sell them one by one. The husband and wife, in nearly all cases, are sold together, or to persons living near each other. The children are generally scattered. These are the results of forced sales. Private sales are more common; and the owner not only endeavours to find a purchaser of the lot, but he allows the slaves time to find a new master.

If the wife prove unfaithful, the husband cannot maintain an action against the violator of his bed. There are no remedies for fornication or adultery on either side. If they get tired of each other, they can divorce themselves at their own will, and marry another immediately. A voluntary divorce seldom takes place; the master always discourages matrimonial disunion, and the negroes abhor it. Slave women often give birth to a mulatto child, the father of which may be on the same plantation, and sometimes a member of the owner's family. In this manner it occasionally happens that the slave is the grandchild of its owner; and there are rare cases where the owner is the father of the child. In these immoralities, particularly the latter, public opinion is severe upon the father, and he becomes loathed by society.

According to the North Carolina revised statutes of 1821, it seems there was a law passed in 1741, and still in force, enacting—

"That if any woman-servant shall hereafter be delivered of a child begotten by her master, she must be sold for one year. If a white servant has a child by a negro, she may be sold for two years, and the child bound out till thirty-one years of age."

The above law refers to free servants. The state cannot legislate concerning the paternity of slave children; nor has it been necessary, as public sentiment is more severe upon the subject than can be attained by legislation. We do not suppose it would be possible for an owner of a slave that had a child by his own servant, to be permitted to live in any community in the southern states. It would be one of those cases where Judge Lynch would

administer a law commensurate in severity to the turpitude of the crime.

We doubt if there exist in America a slave-owner that encourages the breeding of slaves for the purpose of selling them. Nor do we believe that any man would be permitted to live in any of the southern states that did intentionally breed slaves with the object of selling them. However severe the laws may be against the slave, yet there is a public opinion that shields him from excessive hardships, although he is considered a chattel. Southern society is too high-toned to sanction the breeding of slaves for speculation. To prevent such nefarious pursuits, public opinion would sustain any decision that might be rendered by Judge Lynch.

The Right of Speech in Slaveholding States.

The truth respecting slavery affords ample scope for the humane reflections of man; and the partisan abolitionist, in his excessive abuse of the system, does injury to his own cause, and prevents the progress of an amelioration of the condition of the slave. Had it not been for the rashness of abolitionists, emancipation would now be in progress in several of the slaveholding states. It would have succeeded in Kentucky in 1850, but for the kidnapping of slaves about that time, by a clergyman and a female teacher from one of the New England states. Both were convicted, and sentenced to the penitentiary; the teacher being the first and only woman ever confined in the state-prison of Kentucky. She was soon pardoned, on her word of honour, as a woman, to leave the state,

and never to return again. As a citizen of Kentucky, we advocated gradual emancipation; and from our own fireside was edited a paper devoted to that object. The paper was published, and circulated by thousands throughout the state; and no one complained of the tenor of its teachings—thus evidencing the statements in the preceding part of this chapter, with respect to the circulation of papers, and the rights of speech in the slaveholding states. A man can promulgate his ideas on paper, or in speeches, with respect to slavery, whatever they may be, in any of the southern states, provided those ideas are not incendiary, and calculated to incite the slaves to insurrection, rapine, and murder. Every man has the right of speech upon the subject of slavery in the southern states; but he will not be permitted to abuse that right.

Writers visiting those states, unaccustomed to the habits and disposition of the negro race of America, imagine they see in the slave a depression of spirits, a sad and melancholy countenance, and a pining for freedom. What would the same writers say were they to see the Esquimaux of the north—the freest people upon the face of the earth? We do not pretend to say that the slave prefers bondage to freedom, because we know better; but we do say, that these comet-like travellers through the slaveholding states of America, are really less capable of judging of the merits and demerits of that institution, than the unprejudiced man that never put his foot upon slave soil. Some of these fast writers see nothing in the system but good, and pronounce it a blessing to the slaves and to the whites; others consider it a blessing to the

slaves, but ruinous to the whites; and some denounce it as a curse both to the slaves and the whites. Occasionally we have seen writers go into ecstasies in describing the universal happiness of the slaves; and, at other times, we have seen them asserting that the slaves are ever gloomy, and moaning for a chance to throw aside their bondage fetters, and breathe the air of freedom!

Constitutional Protection of the Right of Property in Slaves.

Concerning the legislative powers over slaves, the constitution of the state of Kentucky presents an illustration.

"The general assembly shall have no power to pass laws for the emancipation of slaves without the consent of their owners, or without paying their owners, previous to such emancipation, a full equivalent in money for the slaves so emancipated, and providing for their removal from the state. They shall have no power to prevent immigrants to this state from bringing with them such persons as are deemed slaves by the laws of any of the United States, so long as any person of the same age or description shall be continued in slavery by the laws of this state. They shall pass no laws to permit owners of slaves to emancipate them, saving the rights of creditors, and to prevent them from remaining in this state after they are emancipated. They shall have full power to prevent slaves being brought into this state, who have been, since the first day of January, 1789, or may hereafter be imported into any of the United States from a foreign country. And they shall have full power to pass such laws as may be necessary to oblige owners of slaves to treat them with humanity; to provide for them necessary clothing and provisions; to abstain from all injuries to them, extending to life and limb; and in case of their neglect or refusal to comply with the directions of such laws, to have such slave or slaves sold for the benefit of their owner or owners. In the prosecution of slaves for felony, no inquest by a grand jury shall be necessary; but the proceedings in such prosecutions shall be

regulated by law, except that the general assembly shall have no power to deprive them of the privilege of an impartial trial by a petit jury."

A Slave cannot hold Property.

A slave can be a witness against or for another slave, but he cannot be a witness in the case of a white man. In olden times it was common to execute a slave for felony; and in some of the states similar laws are still in existence, though but rarely enforced. A slave cannot sue or be sued, nor can he hold property; and whatever he may possess is by an implied or expressed consent of the owner; and the owner has a right to all the property of the slave if he choose to take it; but such a degree of meanness would be condemned in any community. The laws forbid merchants selling goods to slaves, unless by a written permission from the owner; yet there never has been an enforcement of those laws, except in times of insurrection, or for selling ardent spirits, producing drunkenness, and a disturbance of the peace. The law does not allow the slave to hold property; yet, practically, like many of the other slave laws, it is obsolete. De Bow tells us, that the crop of cotton belonging to the negroes of a certain plantation in Georgia, in 1858, was sold for 1,424 dollars: another crop belonging to the negroes of a plantation in Alabama, in 1859, sold for 1,800 dollars; and another crop of cotton belonging to some Georgia negroes, was sold, in 1859, for 1,969 dollars. Such large crops among slaves are very uncommon; but it is usual for them to have some profit from their work: they raise corn, horses, cattle, hogs, &c.; and from the sale of

these, many of them accumulate considerable sums of money, and purchase their freedom.

The slaves on plantations usually live in small log-huts with one or more rooms, depending upon the size of the family. The fittings of the huts are much the same as the log-cabins of the pioneer whites of the west, and the poorer class of whites in different parts of the American states. The domestic servants generally sleep in a room of the owner's house. They eat in the kitchen, and are as well clad as many of the white people.

We have quoted, in this chapter, several of the laws regulating slavery in the southern states—enacted with the object of securing the happiness and protection of the slaves; and, at the same time, the owner's right of property in them. We deem it our duty, however, to caution the reader from supposing that all the laws we have herein quoted are enforced, for many of them, practically, are obsolete, and never acted on. They are within the statute-book, to be enforced in case the good of the public shall require it. In some of the states there are equally severe laws respecting the whites, though many of them are but dead letters; occasionally, however, they are enforced. A case of this kind occurred within the past twenty years, in the state of Kentucky. A negro was found guilty of murder; and he escaped death by pleading the old common law privilege, known as the "benefit of clergy." The legislature had failed to exempt the privilege when it adopted the common law of England, through colonial Virginia. When slavery existed in the northern states, there were laws in them like those now

in force throughout the south. In 1788, the New York legislature enacted, that "no person shall harbour or conceal a slave from his master, under the penalty" of a fine of five pounds sterling; and if the slave died while thus harboured, the party was liable to the owner for the value of the slave. No person could trade or traffic with slaves without the permission of the master, under a penalty of five pounds, and three times the value of the thing traded for by the slaves. And it was further enacted, that—

"If any slave shall strike a white person, it shall be lawful for any justice of the peace to commit such slave to prison; and such slave shall be tried and punished therefor," &c. "That from and after the passing of this act, no slave shall be admitted for or against any person, in any matter, cause, or thing whatsoever, civil or criminal, except in criminal cases in which the evidence of one slave shall be admitted for or against another slave."

The same statute prohibited the owner of "any aged or decrepid slave" from selling the said slave to any person not able to maintain him; and all such sales were declared to be null and void. A slave over fifty years of age could not be manumitted, except under security that said slave should never be a tax upon the state.

The laws of New Jersey were equally severe. By the act of 1798, slaves were not allowed to be out at night from their own homes after ten o'clock, without special "passes;" and it was declared, "that no slave shall be admitted as a witness against any white person, or even a free negro, in any matter or cause whatever." We cannot insert the many severe laws enacted in the northern states respecting slavery. They would fill a volume; and it would only give a record of an obsolete code. Besides these dead

statutes concerning slavery, there were very stringent laws governing whites. The following was enacted, in 1789, by the legislature of New Hampshire; and it appears unrepealed upon the statutes:—

"That no person shall traval on the Lord's day, or any part of it, unless from necessity, or to attend public worship, visit the sick, or to do some office of charity, on penalty of a sum not exceeding forty shillings, nor less than five shillings;" nor was a person permitted to take "any recreation."

By act of 1799, no traveller is permitted to "go on between sunrising and sunsetting, on the Sunday." These, like many of the existing slave laws in the southern states, are unknown in practice.

Social Habits, and Early Slave-Life in Mississippi.

The following description of southern life was written in 1822, by Major-general Quitman—a native of New York, to his father. As it was then, so it is now. The letter is full of truth:—

"Our bar is quartered at different country seats—not boarding; a Mississippi planter would be insulted by such a proposal; but we are enjoying the hospitalities that are offered to us on all sides. The awful pestilence in the city brings out, in strong relief, the peculiar virtues of this people. The mansions of the planters are thrown open to all comers and goers free of charge. Whole families have free quarters during the epidemic, and country waggons are sent daily to the verge of the smitten city with fowls, vegetables, &c., for gratuitous distribution to the poor. I am now writing from one of those old mansions; and I can give you no better notion of life at the south than by describing the routine of a day. The owner is the widow of a Virginia gentleman of distinction—a brave officer, who died in the public service during the last war with Great Britain. She herself is a native of this vicinity—of English parents settled here in Spanish times. She is an intimate friend of my first

friend, Mrs. G.; and I have been in the habit of visiting her house ever since I came south. The whole aim of this excellent lady seems to be to make others happy. I do not believe she ever thinks of herself. She is growing old, but her parlour is constantly thronged with the young and gay, attracted by her cheerful and never-failing kindness. There are two large families from the city staying here; and every day some ten or a dozen transient guests. Mint-juleps in the morning are sent to our rooms, and then follows a delightful breakfast in the open verandah. We hunt, ride, fish, pay morning visits, play chess, read or lounge until dinner, which is served at 2 P.M., in great variety, and most delicately cooked in what is here called Creole style—very rich, and many made or mixed dishes. In two hours afterwards, everybody, white and black, has disappeared. The whole household is asleep—the *siesta* of the Italians. The ladies retire to their apartments, and the gentlemen on sofas, settees, benches, hammocks, and often gipsy-fashion, on the grass under the spreading oaks. Here, too, in fine weather, the tea-table is always set before sunset; and then, until bedtime, we stroll, sing, play whist, or coquet. It is an indolent, yet charming life, and one quits thinking, and takes to dreaming.

"This excellent lady is not rich, merely independent; but by thrifty housewifery, and a good dairy and garden, she contrives to dispense the most liberal hospitality. Her slaves appear to be, in a manner, free, yet are obedient and polite, and the farm is well worked. With all her gaiety of disposition, and fondness for the young, she is truly pious; and in her own apartment, every night, she has family prayer with her slaves; one or more of them being often called on to sing and pray. When a minister visits the house, which happens very frequently, prayers night and morning are always said; and on these occasions the whole household and the guests assemble in the parlour: chairs are provided for the servants. They are married by a clergyman of their own colour; and a sumptuous supper is always prepared. On public holidays they have dinners equal to an Ohio barbecue; and Christmas, for a week or ten days, is a protracted festival for the blacks. They are a happy, careless, unreflecting, good-natured race; who, left to themselves, would degenerate into drones or brutes; but, subjected to wholesome restraint and stimulus, become the best and most contented of labourers. They are strongly attached to 'old massa,' and 'old missus;' but their devotion to 'young massa,' and 'young missus,'

amounts to enthusiasm. They have great family pride, and are the most arrant coxcombs and aristocrats in the world. At a wedding I witnessed here last Saturday evening, where some 150 negroes were assembled—many being invited guests—I heard a number of them addressed as governors, generals, judges, and doctors (the titles of their masters); and a spruce, tight-set darkey, who waits on me in town, was called 'Major Quitman.' The 'coloured ladies,' are invariably Miss Joneses, Miss Smiths, or some such title. They are exceedingly pompous and ceremonious; gloved and highly perfumed. The 'gentlemen' sport canes, ruffles, and jewellery; wear boots and spurs; affect crape on their hats, and carry huge cigars. The belles wear gaudy colours; 'tote' their fans with the air of Spanish senoritas; and never stir out, though black as the ace of spades, without their parasols. In short, these 'niggers,' as you call them, are the happiest people I have ever seen; and some of them in form, features, and movements, are real sultanas. So far from being fed on 'salted cotton-seed,' as we used to believe in Ohio; they are oily, sleek, bountifully fed, well clothed, well taken care of; and one hears them at all times whistling and singing cheerily at their work. They have an extraordinary facility for sleeping. A negro is a great night-walker. He will, after labouring all day in the burning sun, walk ten miles to a frolic, or to see his 'Dinah;' and be at home and at his work by daylight next morning. This would knock up a white man or an Indian. But a negro will sleep during the day—sleep at his work—sleep on the carriage-box—sleep standing up; and I have often seen them sitting bare-headed in the sun on a high rail-fence, sleeping as securely as though lying in bed. They never lose their equipoise; and will carry their cotton-baskets, or their water-vessels, filled to the brim, poised on their heads, walking carelessly and at a rapid rate, without spilling a drop. The very weight of such burdens would crush a white man's brains into apoplexy. Compared with the ague-smitten and suffering settlers that you and I have seen in Ohio; or the sickly and starved operatives we read of in factories and in mines, these southern slaves are indeed to be envied. They are treated with great humanity and kindness."

CHAPTER XVII.

State of Slavery at the Formation of the Government; Fugitive Slave Law of 1793, and its History; Obligation of the States to Deliver up Fugitive Slaves; the Law of 1850.

State of Slavery in 1793.

In 1789, when the constitutional government was organised, with Washington as president, there were slaves in all the colonial states except Massachusetts. This species of property was recognised; and, in every department of the government, care was taken by the officials to observe the rights of the owner. There were no abolitionists in those days; but there was an almost unanimous anti-slavery sentiment throughout the whole country. The government officials, members of Congress, and the people, were all alike imbued with a patriotic zeal to promote the common good, in preference to their own private gain. Slavery was a fixed institution, and every necessary provision was made in the constitution, and by acts of Congress, to protect the rights of the owner to his slave. The constitution of the United States, as unanimously adopted in the convention of 1787, declares—

"No person held to service or labour in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labour, but shall be delivered up on claim of the party to whom such service or labour may be due."

Fugitive Slave Law of 1793.

In the month of January, 1793, the senate passed the first Fugitive Slave Bill. On the 5th of February, the House of Representatives passed the Senate Bill, by a vote of 48 against 7. It was approved by President Washington, and became law on the 12th of February. This act of Congress was styled "An Act respecting Fugitives from Justice, and Persons escaping from the Service of their Masters." Sections 1 and 2 referred to fugitives from justice. Sections 3 and 4 were as follows:—

"*Section* 3. That when a person held to labour in any of the United States, or in either of the territories on the north-west or south of the river Ohio, under the laws thereof, shall escape into any other of the said states or territory, the person to whom such labour or service may be due, his agent or attorney, is hereby empowered to seize or arrest such fugitive from labour, and to take him or her before any judge of the circuit or district courts of the United States, residing or being within the state, or before any magistrate of a county, city, or town corporate wherein such seizure or arrest shall be made; and upon proof, to the satisfaction of such judge or magistrate, either by oral testimony or affidavit taken before and certified by a magistrate of any such state or territory, that the person so seized or arrested doth, under the laws of the state or territory from which he or she fled, owe service or labour to the person claiming him or her, it shall be the duty of such judge or magistrate to give a certificate thereof to such claimant, his agent or attorney, which shall be sufficient warrant for removing the said fugitive from labour, to the state or territory from which he or she fled.

"*Section* 4. That any person who shall knowingly and willingly obstruct or hinder such claimant, his agent or attorney, in so seizing or arresting such fugitive from labour, or shall rescue such fugitive from such claimant, his agent or attorney, when so arrested, pursuant to the authority herein given or declared; or shall harbour or conceal such person after notice that he or she was a

fugitive from labour as aforesaid, shall, for either of the said offences, forfeit and pay the sum of 500 dollars, which penalty may be recovered by and for the benefit of such claimant, by action of debt in any court proper to try the same; saving, moreover, to the person claiming such labour or service, his right of action for or on account of the said injuries, or either of them."

History of the Fugitive Slave Law.

On reference to senator Benton's *Congressional Debates*, we learn that the foregoing bill originated in the senate, and was passed by the house without debate, and almost without division, there being but seven votes cast against it; and two of the seven were from slaveholding states—one from Maryland, and the other from Virginia. The remaining five were—one from each of the states of New Hampshire, Massachusetts, Connecticut, Vermont, and New York. There were, at that time, in Congress seven representatives from Massachusetts, the only non-slaveholding state; from New Hampshire, Vermont, Connecticut, Rhode Island, New York, New Jersey, and Pennsylvania—the northern slave states—there were twenty-seven representatives; and from the states of Maryland, Virginia, North Carolina, South Carolina, Georgia, and Kentucky, the southern slaveholding states, there were twenty-five representatives.

The reasons why the seven votes were cast against the bill are unknown. The fugitive slave clauses were added to a bill which was introduced after the reception of a message from President Washington, founded on a communication from the governor of Pennsylvania in relation to a fugitive from justice, who had taken refuge in Vir-

ginia. The third and fourth sections were enacted because it was necessary to have an act of Congress to give effect to the rendition clause in the constitution. There was but little necessity in 1793, however, nor for a long time after, for an act of Congress to authorise the recovery of fugitive slaves. All the states at that time, save Massachusetts, were slaveholding states, and the rendition of fugitives was certain and prompt. The interests of the states were the same, and a reciprocity was cordial. In those days the fathers of our republic guided the affairs of state; and they were all honest men: they did not, with one hand upon the Holy Bible, swear to maintain the constitution of the United States, and the laws thereof, and plot, with the other, schemes to promote their own welfare, at the sacrifice of their country's weal, as has been the case with some of our government officials latterly.

In 1793, the laws of the free states, and, still more, the force of public opinion, were the slave-owner's safeguards. The people were against the abduction of slaves; and if any one were seduced from his owner, it was done furtively and secretly, without show or force, and was looked on the same as any other offence. State laws favoured the owner, and to a greater extent than the act of Congress did, or could. In Pennsylvania, there was an act passed in 1780, and only repealed in 1847, discriminating between the traveller and sojourner and the permanent resident —allowing the former to remain six months in the state before his slaves became subject to the emancipation laws; and, in the case of a federal government

officer, allowing as much more time as his duties required him to remain. New York had a similar act, only varying in time, which was nine months. While these two acts were in force, and supported by public opinion, the traveller and sojourner was safe with his slaves in those states; and he was the same in all the other free states. There was no trouble about fugitive slaves in those times. This act of 1793 did not grow out of any such trouble, but out of the case of a fugitive from justice. It was that case, and the message of Washington, that brought the subject before Congress; and, in the act that was passed, the case of fugitives from justice was first provided for, the first and second clauses of the act being given to that branch of the subject; and the third and fourth to the other—all brief and plain, and capable of enforcement without expense or difficulty. In the case of a slave, the owner was allowed to seize him wherever he saw him, by day or by night, Sunday or week-days, just as if he were in his own state; and a penalty of 500 dollars attached to any persons who resisted or obstructed him in this seizure. The only authority he wanted was after the seizure: to justify the carrying of the slave back to the state from which he fled, the affidavit of the owner, or his agent, was required. The act was perfect, except in relying upon state officers, as well as federal, to execute it; these state officers not being subject to federal law, and being forbidden to act after slavery became a subject of political agitation, within the past quarter of a century. After the politicians sought for personal promotion and gain by agitation, and finally uniting with abolitionism,

then, *pari passu* with this sectionalism, the country has been lessening in legislative integrity, until the nation, becoming divided in affection, is at war between its own members; not only as to states, but with families—brother against brother, father against father; and, indeed, husband against wife. Such is the condition of things now existing amidst our once happy and united people.

Obligation of the States to Deliver up the Fugitive Slaves.

Statesmen have interpreted the constitutional provision quoted in this chapter, to mean, that it is obligatory on the respective states to pass laws for the rendition of fugitive slaves: that it was a regulation between the respective states, conferring *rights* upon some, and *obligations* upon others—operative, reciprocally. When these functions are discharged for the benefit of the slaveholder, they should be manifested by means of the laws of the state; for the constitutional clause which we have quoted speaks of persons held to labour *in one state, under the laws thereof.* The statutes of the state are made known, interpreted, and expounded by the official acts and decisions of state judges and other officers. The slave taking refuge in another state, "*shall be delivered up.*" This duty of delivering up the slave is not imposed on private men or individuals, as in a state of nature, or it might never be performed; besides, private men are not necessarily supposed to have the slave in their possession or power. The duty of delivering up the slave is imposed on the state; and which, as all other civil or

social political powers, necessarily, or at least usually, acts by the intervention of its officers, the authorised agents of the people.

If the constitution of the United States were adopted by the states as independent sovereignties, then the obligation lies with each, one with the other, to faithfully deliver up the slave to the party to whom he or she may belong. It would follow, then, that the states should pass fugitive slave laws, making it the duty of its officers, the governor, judges, legislators, sheriffs, magistrates, police, and each and every member of the commonwealth, to aid and assist in the delivery of the slave to the owner; and the laws should authorise the proper officers to summon the people as a *posse comitatus*, in cases requiring assistance. If, however, the people of the United States are the sole parties, uniting one with the other in the adoption of the federal constitution, then the whole nation, in its respective communities or states, is pledged to deliver up a fugitive slave to the owner; and, in this latter case, every man is bound in good faith to aid and assist; and he who repudiates the obligation is no patriot.

As long as the people of the northern states possessed slaves, fugitives from service were delivered up: then there was a reciprocal interest; and there was no hue-and-cry about the flourish in the Declaration of Independence—"that all men are created equal." Whether or not the declaration just quoted had any reference to the negro race, is not material, because that instrument has no part in the present government. The constitution does not refer to it as the source of a single principle

contained in that organic instrument, nor does it recognise it, either direct or indirect. The declaration was but explanatory of a proclamation of war; and the contents of that document must be associated with the circumstances and the time of its issue. It has no more connection with the present government, than the obsolete articles of the confederation of 1781. In a word, all proceedings of the colonies, as a general association or otherwise, prior to 1789, are unknown to the states and the people of the present constitutional government, except as the history of the communities in revolt against their sovereign. Like magnetic fragments, those independent commonwealths, by a common interest and affinity, were attracted one to the other, until, in 1789, they became as one mass of power; with an infinite variety of molecular components.

In 1801, a law was passed by Congress to put in force the Fugitive Slave Act of 1793, in the district of Columbia. Within the first fifty years after the formation of the government, the slaves in the northern states became free, and the public sentiment, with respect to the delivering up of fugitive slaves, materially changed. Instead of fulfilling, in good faith, the conditions of the constitutional compact, as their ancestors had done, every possible difficulty has been placed in the way of the owner whenever he has attempted to recover his slave. The legislatures of many of the northern states have passed laws to prevent the enforcement of the statute of 1793, adopted by the fathers of the country. These unofficial and official revolutionary acts, nullifying and repudiating

the laws of Congress, and enacted in direct violation of the constitution of the United States, rendered it necessary for Congress to pass another and a more stringent law, in order to secure to the southern states their constitutional rights in all parts of the Union. To effect that end, among the compromise measures of 1850, presented by senator Clay, from Kentucky, was the fugitive slave law.*

* This law is of such importance, and has given rise to so much discussion, that we give it entire.

FUGITIVE SLAVE LAW OF 1850.

An Act to Amend, and Supplementary to, the Act entitled, "An Act respecting Fugitives from Justice, and Persons escaping from the Service of their Masters."—Approved February 12th, 1793.

BE IT ENACTED, by the senate and House of Representatives of the United States of America, in Congress assembled, That the persons who have been, or may hereafter be, appointed commissioners in virtue of any act of Congress, by the circuit courts of the United States, and who, in consequence of such appointment, are authorised to exercise the powers that any justice of the peace or other magistrate of any of the United States may exercise, in respect to offenders, of any crime or offence against the United States, by arresting, imprisoning, or bailing the same, under and by virtue of the thirty-third section of the act of the twenty-fourth of September, seventeen hundred and eighty-nine, entitled, "An Act to establish the Judicial Courts of the United States," shall be and are hereby authorised and required to exercise and discharge all the powers and duties conferred by this act.

Section 2. And be it further enacted, That the superior court of each organised territory of the United States shall have the same power to appoint commissioners to take acknowledgments of bail and affidavit, and to take depositions of witnesses in civil causes, which is now possessed by the circuit courts of the United States; and all commissioners who shall hereafter be appointed for such purposes by the superior court of any organised territory of the United States, shall possess all the powers and exercise all the duties conferred by law upon the commissioners appointed by the circuit courts of the United States for similar purposes; and shall, moreover, exercise and discharge all the powers and duties conferred by this act.

Section 3. And be it further enacted, That the circuit courts of the United States, and the superior courts of each organised territory of the United

The Supreme Court of the United States has fully recognised the constitutional protection of the right of property

States, shall from time to time enlarge the number of commissioners, with a view to afford reasonable facilities to reclaim fugitives from labour, and to the prompt discharge of the duties imposed by this act.

Section 4. And be it further enacted, That the commissioners above-named shall have concurrent jurisdiction with the judges of the circuit and district courts of the United States, in their respective circuits and districts within the several states, and the judges of the superior courts of the territories, severally and collectively, in term time and vacation; and shall grant certificates to such claimants, upon satisfactory proof being made, with authority to take and remove such fugitives from service or labour, under the restrictions herein contained, to the state or territory from which such persons may have escaped or fled.

Section 5. And be it further enacted, That it shall be the duty of all marshals and deputy-marshals to obey and execute all warrants and precepts issued under the provisions of this act, when to them directed; and should any marshal or deputy-marshal refuse to receive such warrant or other process when tendered, or to use all proper means diligently to execute the same, he shall, on conviction thereof, be fined in the sum of one thousand dollars to the use of such claimant, on the motion of such claimant, by the circuit or district court for the district of such marshal; and after arrest of such fugitive by such marshal or his deputy, or whilst at any time in his custody under the provisions of this act, should such fugitive escape, whether with or without the assent of such marshal or his deputy, such marshal shall be liable, on his official bond, to be prosecuted, for the benefit of such claimant, for the full value of the service or labour of said fugitive in the state, territory, or district whence he escaped; and the better to enable the said commissioners, when thus appointed, to execute their duties faithfully and efficiently, in conformity with the requirements of the constitution of the United States and of this act, they are hereby authorised and empowered, within their counties respectively, to appoint, in writing under their hands, any one or more suitable persons, from time to time, to execute all such warrants and other process as may be issued by them in the lawful performance of their respective duties; with an authority to such commissioners, or the persons to be appointed by them to execute process as aforesaid, to summon and call to their aid the bystanders or *posse comitatus* of the proper county, when necessary to ensure a faithful observance of the clause of the constitution referred to, in conformity with the provisions of this act; and all good citizens are hereby commanded to aid and assist in the prompt and efficient execution of this law, whenever their services may be required as aforesaid for the purpose; and said warrants shall run and be executed by said officers anywhere in the state within which they are issued.

in slaves. In the case of Prigg *v.* the Commonwealth of Pennsylvania, it was asserted by every judge upon the

Section 6. And be it further enacted, That when a person held to service or labour in any state or territory of the United States, has heretofore or shall hereafter escape into another state or territory of the United States, the person or persons, to whom such service or labour may be due, or his, her, or their agent or attorney, duly authorised by power of attorney, in writing, acknowledged and certified under the seal of some legal office or court of the state or territory in which the same may be executed, may pursue and reclaim such fugitive person, either by procuring a warrant from some one of the courts, judges, or commissioners aforesaid, of the proper circuit, district, or county, for the apprehension of such fugitive from service or labour, or by seizing and arresting such fugitive where the same can be done without process, and by taking and causing such person to be taken forthwith before such court, judge, or commissioners, whose duty it shall be to hear and determine the case of such claimant in a summary manner; and upon satisfactory proof being made, by deposition or affidavit in writing, to be taken and certified by such court, judge, or commissioner, or by other satisfactory testimony, duly taken and certified by some court, magistrate, justice of the peace, or other legal officer authorised to administer an oath and take depositions, under the laws of the state or territory from which such person owing service or labour may have escaped, with a certificate of such magistracy, or other authority as aforesaid, with the seal of the proper court or officer thereto attached, which seal shall be sufficient to establish the competency of the proof, and with proof also by affidavit, of the identity of the person whose service or labour is claimed to be due as aforesaid, that the person so arrested does in fact owe service or labour to the person or persons claiming him or her in the state or territory from which such fugitive may have escaped as aforesaid, and that said person escaped, to make out and deliver to such claimant, his or her agent or attorney, a certificate, setting forth the substantial facts as to the service or labour due from such fugitive to the claimant, and of his or her escape from the state or territory in which such service or labour was due, to the state or territory in which he or she was arrested, with authority to such claimant, or his or her agent or attorney, to use such reasonable force and restraint as may be necessary under the circumstances of the case, to take and remove such fugitive person back to the state or territory from whence he or she may have escaped as aforesaid. In no trial or hearing under this act shall the testimony of such alleged fugitive be admitted in evidence; and the certificates in this and the first section mentioned, shall be conclusive of the right of the person or persons in whose favour granted, to remove such fugitive to the state or territory from which he escaped, and shall prevent

bench, that the design of the clause in the constitution respecting fugitives from service, was, "to secure to the all molestation of said person or persons, by any process issued by any court, judge, magistrate, or other person whomsoever.

Section 7. And be it further enacted, That any person who shall knowingly and willingly obstruct, hinder, or prevent such claimant, his agent or attorney, or any person or persons lawfully assisting him, her, or them from arresting such fugitive from service or labour, either with or without process as aforesaid; or shall rescue, or attempt to rescue such fugitive from service or labour from the custody of such claimant, his or her agent or attorney, or other person or persons lawfully assisting as aforesaid, when so arrested pursuant to the authority herein given and declared; or shall aid, abet, or assist such person so owing service or labour as aforesaid, directly or indirectly, to escape from such claimant, his agent or attorney, or person or persons legally authorised as aforesaid; or shall harbour or conceal such fugitive, so as to prevent the discovery and arrest of such person, after notice or knowledge of the fact that such person was a fugitive from service or labour as aforesaid, shall, for either of said offences, be subject to a fine not exceeding one thousand dollars, and imprisonment not exceeding six months, by indictment and conviction before the district court of the United States for the district in which such offence may have been committed, or before the proper court of criminal jurisdiction, if committed within any one of the organised territories of the United States; and shall, moreover, forfeit and pay, by way of civil damages, to the party injured by such illegal conduct, the sum of one thousand dollars for each fugitive so lost as aforesaid, to be recovered by action of debt in any of the district or territorial courts aforesaid, within whose jurisdiction the said offence may have been committed.

Section 8. And be it further enacted, That the marshals, their deputies, and the clerks of the said district and territorial courts, shall be paid for their services the like fees as may be allowed to them for similar services in other cases; and where such services are rendered exclusively in the arrest, custody, and delivery of the fugitive to the claimant, his or her agent or attorney, or where such supposed fugitive may be discharged out of custody for the want of sufficient proof as aforesaid, then such fees are to be paid in the whole by such claimant, his agent or attorney; and all cases where the proceedings are before a commissioner, he shall be entitled to a fee of ten dollars in full for his services in each case, upon the delivery of the said certificate to the claimant, his or her agent or attorney; or a fee of five dollars in cases where the proof shall not, in the opinion of such commissioners, warrant such certificate and delivery, inclusive of all services incident to such arrest and examination, to be paid in either case by the claimant, his or her agent or attorney. The person or persons authorised to execute

citizens of the slaveholding states the complete right and title of ownership in their slaves, as property, in every

the process to be issued by such commissioners for the arrest and detention of fugitives from service or labour as aforesaid, shall also be entitled to a fee of five dollars each for each person he or they may arrest and take before any such commissioner as aforesaid at the instance and request of such claimant, with such other fees as may be deemed reasonable by such commissioner for such other additional services as may be necessarily performed by him or them; such as attending to the examination, keeping the fugitive in custody, and providing him with food and lodging during his detention, and until the final determination of such commissioner; and, in general, for performing such other duties as may be required by such claimant, his or her attorney or agent, or commissioner in the premises; such fees to be made up in conformity with the fees usually charged by the officers of the courts of justice within the proper district or county, as near as may be practicable, and paid by such claimants, their agents or attorneys, whether such supposed fugitive from service or labour be ordered to be delivered to such claimants by the final determination of such commissioners.

Section 9. And be it further enacted, That upon affidavit made by the claimant of such fugitive, his agent or attorney, after such certificate has been issued, that he has reason to apprehend that such fugitive will be rescued by force from his or their possession, before he can be taken beyond the limits of the state in which the arrest is made, it shall be the duty of the officer making the arrest to retain such fugitive in his custody, and to remove him to the state whence he fled, and there to deliver him to said claimant, his agent or attorney. And to this end, the officer aforesaid is hereby authorised and required to employ so many persons as he may deem necessary to overcome such force, and to retain them in his service so long as circumstances may require; the said officer and his assistants, while so employed, to receive the same compensation, and to be allowed the same expenses, as are now allowed by law for the transportation of criminals, to be certified by the judge of the district within which the arrest is made, and paid out of the treasury of the United States.

Section 10. And be it further enacted, That when any person held to service or labour in any state or territory, or in the district of Columbia, shall escape therefrom, the party to whom such service or labour shall be due, his, her, or their agent or attorney, may apply to any court of record therein, or judge thereof in vacation, and make satisfactory proof to such court, or judge in vacation, of the escape aforesaid, and that the person escaping owed service or labour to such party. Whereupon the court shall cause a record to be made of the matters so proved, and also a general description of the person so escaping, with such convenient certainty as may be; and the transcript of

state in the Union into which they might escape from the state where they were held in servitude." These are the very words of Mr. Justice Story, of Massachusetts, in delivering the opinion of that great national tribunal. He went on to add—"The full recognition of this right and title was indispensable to the security of this species of property in all the slaveholding states; and, indeed, was so vital to the preservation of the domestic interests and institutions, that it cannot be doubted that it constituted a fundamental article, without the adoption of which the Union could not have been formed." Again—"We have said that the clause contains a positive and unqualified recognition of the right of the owner in the slave." Chief Justice Taney, of the Supreme Court, held, that "by the national compact, this right of property is recognised as an existing right in every slave state of the Union." Judge

such record, authenticated by the attestation of the clerk, and of the seal of the said court, being produced in any other state, territory, or district in which the person so escaping may be found, and being exhibited to any judge, commissioner, or other officer authorised by the law of the United States to cause persons escaping from service or labour to be delivered up, shall be held and taken to be full and conclusive evidence of the fact of escape, and that the service or labour of the person escaping is due to the party in such record mentioned. And upon the production by the said party of other and further evidence, if necessary, either oral or by affidavit, in addition to what is contained in the said record, of the identification of the person escaping, he or she shall be delivered up to the claimant. And the said court, commissioner, judge, or other persons authorised by this act to grant certificates to claimants of fugitives, shall, upon the production of the record and other evidences aforesaid, grant to such claimant a certificate of his right to take any such person identified and proved to be owing service or labour as aforesaid, which certificate shall authorise such claimant to seize or arrest, and transport such person to the state or territory from which he escaped: provided, that nothing herein contained shall be construed as requiring the production of a transcript of such record or evidence as aforesaid; but in its absence, the claim shall be heard and determined upon other satisfactory proof competent in law.

Thompson said, the constitution "affirms, in the most unequivocal manner, the right of the master to the service of his slave, according to the laws of the state under which he is so held." Judge Wayne, of Pennsylvania, in the Supreme Court of the United States, affirmed, that all the judges concurred "in the declaration, that the provision in the constitution was a compromise between the slave-holding and the non-slaveholding states, to secure to the former fugitive slaves as property." Judge Daniel, of the same bench, held, that "the paramount authority of this clause in the constitution is to guarantee to the owner the right of property in his slave; and the absolute nullity of any state power, directly or indirectly, openly or covertly, aimed to impair that right, or to obstruct its enjoyment, I admit, nay insist upon, to the fullest extent."

CHAPTER XVIII.

Personal Liberty Bills of the Northern States—Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, Pennsylvania, Illinois, Indiana, Ohio, Wisconsin; Vattel on the Interpretation of Treaties.

Anti-Fugitive Slave Laws.

In the preceding chapter we have given a history of the fugitive slave measures adopted by the government of the United States. The particular law, alleged to be the most offensive to the people of the northern states at the present time, is the one adopted as a compromise measure in 1850. Their indignation against the provisions of that act is beyond all description. To defeat the execution of that compromise, several of the non-slaveholding states have enacted what are termed "personal liberty laws." The necessity for a more stringent fugitive slave law than the one enacted in 1793, was generally admitted; and hence the origin of the act of 1850, then called a compromise measure. Massachusetts, New Hampshire, Pennsylvania, and some other states, had passed treasonable statutes, nullifying the acts of Congress of 1793, and in direct violation of the constitution pertaining to fugitives from service. These "personal liberty laws" (which we insert in this chapter), nullify, not only the law of 1850, but also that of 1793, which was enacted by the fathers of the republic, at the suggestion of Washington. If the

reader will examine the constitutional fugitive slave clause (clause 3, sect. 2, art. iv.), and the laws of 1793 and of 1850, passed in conformity therewith; and then compare those decrees with the following revolutionary and nullifying laws, which have been passed with the most singular unanimity in the northern states, he can judge of the integrity of some of our state legislators. We are pained to record such flagrancies. Every member of the legislatures that passed these anti-fugitive laws was sworn to support the constitution and the laws of Congress. The civilised world can judge of the integrity of the acts. The following is a digest of the state enactments.

By the laws of the state of Maine, it is provided, that if a fugitive slave shall be arrested, he shall be defended by the attorney of the commonwealth, and all expense of such defence paid out of the public treasury. All state and county jails, and all buildings belonging to the state, are forbidden the reception or securing of fugitive slaves; and all officers are forbidden, under heavy penalties, from arresting or aiding in the arrest of fugitive slaves. If a slaveholder or other person shall unlawfully seize or confine a fugitive slave, he shall be liable to be imprisoned for not more than five years, or fined not exceeding 1,000 dollars. If a slaveholder take a slave into the state, the slave is thereby made free; and if the master undertake to exercise any control over him, he is subjected to imprisonment for not less than one year, or fined not exceeding 1,000 dollars.

We have not had access to the laws of New Hampshire; but a general index, which has been consulted, shows that a law exists by which all slaves entering the state, either with or without the consent of their masters, are declared free, and any attempt to capture or hold them is declared to be a felony.

In the state of Vermont, the law forbids all citizens and officers of the state from executing or assisting to execute the Fugitive Slave Act of the Congress of the United States, or to arrest a fugitive slave, under penalty of imprisonment for one year, or a fine not exceeding 1,000 dollars. It also forbids the use of all public jails

and buildings for the purpose of securing such slaves. The attorneys for the state are directed, at the public expense, to defend and procure to be discharged every person arrested as a fugitive slave. The Habeas Corpus Act also provides that fugitive slaves shall be tried by jury, and interposes other obstacles to the execution of the Fugitive Slave Act.

The law further provides, that all persons unlawfully capturing, seizing, or confining a person as a fugitive slave, shall be confined in the state-prison not more than ten years, and fined not exceeding 1,000 dollars. Every person held as a slave, who shall be brought into this state, is declared free; and all persons who shall hold, or attempt to hold, as a slave, any person so brought into the state, in any form, or for any time, however short, shall be confined in the state prison not less than one, nor more than fifteen years, and fined not exceeding 2,000 dollars.

The laws of the state of Massachusetts forbid, under heavy penalties, her citizens, and state and county officers, from executing the Fugitive Slave Act, or from arresting a fugitive slave, or from aiding in either—denying the use of the jails and public buildings for such purposes.

The governor is required to appoint commissioners in every county to aid fugitive slaves in recovering their freedom when proceeded against as fugitive slaves, and all costs attending such proceedings are directed to be paid by the state.

Any person who shall remove, or attempt to remove, or come into the state with the intention to remove, or assist in removing, any person who is not a fugitive slave, within the meaning of the constitution, is liable to punishment by a fine not less than 1,000, nor more than 5,000 dollars, and imprisonment not less than one nor more than five years.

The Habeas Corpus Act gives trial by jury to fugitive slaves, and interposes other impediments to the hunting of them.

By legislative resolve of 1855, it was declared—

"Inasmuch as there is neither any power granted to the general government of the United States for the enactment of any law by Congress for the return of alleged fugitive slaves, nor any prohibition therein to the states against the passage of laws upon that subject, that the Fugitive Slave Act is a direct violation of the 10th article of the amendments of the constitution of the United

States; which declares that the powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people."

By the same resolve, the senators and representatives, in Congress of that state, were instructed to use their exertions to get a repeal of the fugitive slave law of 1850—

"Which is hostile alike to the provisions of the national constitution, and to the dictates of the Christian religion; an infraction equally of the supreme 'law of the land,' and of the 'higher law' of God, in consonance therewith."

The first law of Massachusetts against the rendition of fugitive slaves, under the act of Congress, passed in 1793, was enacted in 1843; and, in 1855, the same law was re-enacted, with provisions to defeat the Compromise Act of Congress, passed in 1850. The Massachusetts act seems to have been drawn in a spirit of spite; and it plays upon the words of the Compromise Act of Congress of 1850, without even ordinary respect for the dignity of the legislature. This law forbids any of the officers of the state to issue warrants for the arrest of fugitive slaves; and declares, that—

"No person, while holding any office of honour, trust, or emolument under the laws of this commonwealth, shall, in any capacity, issue any warrant or other proof, or grant any certificate under or by virtue of an act of Congress, approved the 12th of February, in the year 1793, entitled, 'An Act respecting fugitives from justice, and persons escaping from the service of their masters;' or under or by virtue of an act of Congress, approved the 18th day of September, 1850, entitled, 'An Act to amend, and supplementary to an Act respecting fugitives from justice, and persons escaping from the service of their masters;' or shall in any capacity serve any such warrant or other process."

If any officer of the state should comply with the laws

of Congress of 1793, and of the compromise fugitive slave law of 1850; and in accordance therewith issue a warrant for the arrest of a fugitive from service, he is to be subjected to the following penalty:—

"His office shall be deemed vacant, and he shall for ever thereafter be ineligible to hold any office of trust, honour, or emolument, under the laws of this commonwealth."

If a lawyer shall serve in behalf of the master of the fugitive slave, the law subjects him to the following penalty:—

"He shall be deemed to have resigned any commission from the commonwealth that he may possess; and he shall be thereafter incapacitated from appearing as counsel or attorney in the courts of this commonwealth."

If any judge shall issue a warrant, under the fugitive slave laws of Congress, notwithstanding he is sworn to support the constitution and laws of the United States, he will be subjected to the following penalty:—

"It shall be considered as in violation of good behaviour, as well as a reason for loss of confidence, and as furnishing sufficient grounds either for impeachment or removal by address."

If any sheriff, jailer, coroner, constable, or other officer of the commonwealth, including militia officers, who shall even—

"Aid in arresting, imprisoning, detaining, or returning any person, for the reason that he is claimed or adjudged to be a fugitive from service or labour, shall be punished by fine not less than 1,000 dollars, and not exceeding 2,000 dollars, and imprisoned in the state prison for not less than one, nor more than two years."

The state of Connecticut, which, as late as 1840, tolerated slavery within its own borders, as appears by the census of that year, prohibits, under severe penalties, all its officers from aiding in executing the Fugitive Slave Act of Congress, and vacates all official acts which may be done by them in attempting to execute that law.

By the act of 1854, sec. 1, it is provided, that every person who shall falsely and maliciously declare, represent, or pretend that any person entitled to freedom is a slave, or owes service or labour to any person or persons, with intent to procure, or to aid or assist in procuring, the forcible removal of such free person from this state, as a slave, shall pay a fine of 5,000 dollars, and shall be imprisoned for five years in the state prison.

Sec. 2. In all cases arising under this act, the truth of any declaration, representation, or pretence, that any person being, or having been, in this state, is or was a slave, or owes or did owe service or labour to any other person or persons, shall not be deemed proved, except by the testimony of at least two credible witnesses testifying to facts directly tending to the truth of such declaration, pretence, or representation, or by legal evidence equivalent thereto.

Sec. 3 subjects to a fine of 5,000 dollars, and imprisonment in the state prison for five years, all who shall seize any person entitled to freedom, with intent to have such person held in slavery.

Sec. 4 prohibits the admission of depositions in all cases under this act, and provides, that if any witness testify falsely in behalf of the party accused and prosecuted under this act, he shall be fined 5,000 dollars, and imprisoned five years in the state prison.

The statutes of Rhode Island provide, that any one who transports, or causes or to be transported, by land or water, any person lawfully inhabiting therein, to any place without the limits of the state, except by due course of law, shall be imprisoned not less than one, nor more than ten years. They also prohibit all officers from aiding in executing the Fugitive Slave Act of Congress, or arresting a fugitive slave, and deny the use of its jails and public buildings for securing any such fugitives.

The New Jersey law provides, that if any person shall forcibly take away from the state any man, woman, or child, bond or free, into another state, he shall be fined not exceeding 1,000 dollars, or by imprisonment at hard labour not exceeding five years, or both.

The Habeas Corpus Act gives a trial by jury to fugitive slaves; and all judicial officers are prohibited from acting under any other than the law of New Jersey.

Prior to 1847, in Pennsylvania, non-resident owners of slaves were allowed to retain them in Pennsylvania not exceeding six months. In 1847 this privilege was revoked. Slaves are also

allowed to testify in all cases in the courts of Pennsylvania. It is further provided by law, that any person who violently and tumultuously seizes upon any negro or mulatto, and carries such negro away to any place, with or without the intention of taking such negro before a circuit or district judge, shall be fined not exceeding 1,000 dollars, and imprisoned in the county jail not exceeding three months. The law also punishes with heavy fine, and imprisonment in the penitentiary, any person who may forcibly carry away, or attempt to carry away, any free negro or mulatto from the state. The sale of fugitive slaves is prohibited under heavy penalties, and a trial by jury is secured to them.

The law of 1847 further declares—

"No judge of any of the courts of this commonwealth, nor any alderman, or justice of the peace of said commonwealth, shall have jurisdiction or take cognizance of the case of any fugitive from labour from any of the United States or territories, under a certain act of Congress, approved the 12th of February, 1793, entitled 'An Act respecting fugitives from justice, and persons escaping from the service of their masters;' nor shall any judge or justice of the peace of this commonwealth, issue or grant any certificate or warrant of removal of any such fugitive from labour, under the said act of Congress, or under any other law, authority, or act of the Congress of the United States; and if any alderman, or justice of the peace of this commonwealth, shall take cognizance or jurisdiction of the case of any such fugitive, or shall grant or issue any certificate or warrant of removal as aforesaid, then and in either case he shall be deemed guilty of a misdemeanor in office, and shall, on conviction thereof, be sentenced to pay, at the discretion of the court, any sum not less than 500 dollars, nor exceeding 1,000 dollars."

Illinois has prohibited, under pain of imprisonment of not less than one, nor more than seven years, any person from stealing or arresting any slave, with the design of taking such slave out of the state, without first having established his claim thereto, according to the laws of the United States. The Habeas Corpus Act allows trial by jury to fugitive slaves.

The law of Indiana is similar to that of Illinois, except that the penalties are greater. The fine is not less than 1,000 dollars, nor more than 5,000 dollars, and the term of imprisonment not less than one, nor more than fourteen years.

The laws of the state of Ohio are peculiarly stringent and effective. They not only deny the use of the jails and public buildings to secure fugitive slaves, and require the attorneys for the commonwealth to defend them at the expense of the state; but the law of Connecticut, in relation to the punishment of persons falsely alleging others to be slaves, is adopted, with the addition, that any person who carries a slave shall be punished by imprisonment in the state prison, for a period not exceeding ten years, or by a fine not exceeding 1,000 dollars.

The Habeas Corpus Act also provides for trial by jury of claim to fugitives.

Following the example of the other northern states, Wisconsin has, in some particulars, exceeded all the rest. It has directed its district attorneys, in all cases of fugitive slaves, to appear for and defend them at the expense of the state. It has required the issue of the writ of *habeas corpus*, on the mere statement of the district attorney, that a person in custody is detained as a fugitive slave; and directs all its judicial and executive officers who have reason to believe that a person is about to be arrested or claimed on such ground, to give notice to the district attorney of the county where the person resides. If a judge in vacation fail to discharge the arrested fugitive slave on *habeas corpus*, an appeal is allowed to the next circuit court. Trial by jury is to be granted at the election of either party; and all costs of trial, which would otherwise fall on the fugitive, are assumed by the state. A law has also been enacted, similar to that of Connecticut, for the punishment of any one who shall falsely and maliciously declare a person to be a fugitive slave, with intent to aid in the procuring the forcible removal of such person from the state as a slave: "provided that nothing in this chapter shall be construed as applying to any claim or service from an apprentice for a fixed time." A section is added to the provisions of the Connecticut law relative to this offence, for the punishment, by imprisonment in the state prison, of any person who shall obstruct the execution of a warrant issued under it, or aid in the escape of the person accused. Another section forbids the enforcement of a judgment recovered for violation of the Fugitive Slave Act, by the sale of any real or personal property in the state; and makes its provisions applicable to judgments theretofore rendered.

The law relative to kidnapping punishes the forcible seizure, without lawful authority, of any person of colour, with intent to

cause him to be sent out of the state, or sold as a slave, or in any manner to transfer his service or labour, or the actual selling or transferring the service of such person, by imprisonment in the state prison from one to two years, or by fine of from 500 to 1,000 dollars. The consent of the person seized, sold, or transferred, not to be a defence, unless it appear to the jury that it was not obtained by fraud, nor extorted by duress or by threats.

The law of the state of Iowa is similar to that of Indiana, except that the maximum of the punishment is five years in the state-prison, and a fine of 1,000 dollars.

The following is an analysis of these laws:—States which prohibit their officers and citizens from aiding in the execution of the law of Congress, are—Maine, Connecticut, New York, Rhode Island, New Hampshire, Pennsylvania, New Jersey, Wisconsin, Massachusetts, Michigan, Vermont.

States which deny the use of all public edifices in aid of the master, are—Maine, Rhode Island, Vermont, Michigan, Massachusetts.

States which provide defence for the fugitive, are—Maine, New York, Wisconsin, Vermont, Pennsylvania, Massachusetts, Michigan.

States which declare the fugitive free, if brought by the master into the state, are—Maine, New Hampshire, Vermont.

State that declares him free absolutely, is New Hampshire.

The following is a recapitulation of the penalties provided for the master who pursues his rights under the law of Congress and constitution, but in contravention of state statutes framed for the purpose of embarrassing his action, defeating his claim, and in every possible way ingenuity can suggest, rendering the law entirely ineffectual:—In Maine, $1,000 fine, and five years' imprisonment; Vermont, $2,000, and fifteen years; Massachusetts, $5,000, and five years; Connecticut, $5,000, and five years; Pennsylvania, $1,000, and three months; Indiana, $5,000, and fourteen years; Michigan, $1,000, and ten years; Wisconsin, $1,000, and two years; Iowa, $1,000, and five years.

It will be observed that the northern states have passed laws to try the fugitive slave case by jury. The object of this is to test the right of property in man—the legality of slavery in the abstract. The constitution seems to be

nought with them; and they interpret that great organic charter, not as it declares, nor as it was intended to mean; but as most comports with their spleen against the southern states—not because they hate slavery, but because they love the south less.

Vattel on the Interpretation of Treaties.

We will include in this, the most painful of all the chapters in this work, a quotation from Vattel's *Law of Nations;* which, to us, seems full of relevancy in the premises.

"The rules that establish a lawful interpretation of treaties are sufficiently important to be made the subject of a distinct chapter. For the present, let us simply observe, that an evidently false interpretation is the grossest imaginable violation of the faith of treaties. He that resorts to such an expedient, either impudently sports with that sacred faith, or sufficiently evinces his inward conviction of the degree of moral turpitude annexed to the violation of it; he wishes to act a dishonest part, and yet preserve the character of an honest man; he is a puritanical impostor, who aggravates his crime by the addition of a detestable hypocrisy. Grotius quotes several instances of evidently false interpretations put upon treaties. The Plateaus having promised the Thebans to restore their prisoners, restored them after they had put them to death. Pericles, having promised to spare the lives of such of the enemy as laid down their arms, ordered all those to be killed that had iron clasps to their cloaks. A Roman general having agreed with Antiochus to restore him half his fleet, caused each of the ships to be sawed in two. All these interpretations are as fraudulent as that of Rhadamistus, who, according to Tacitus's account, having sworn to Mithridates that he would not employ either poison or steel against him, caused him to be smothered under a heap of clothes."

When the colonial states ratified the constitution, and united in the organisation of the government, each had a

right to expect from the other an honest fulfilment of the constitution, and that each would deliver up a fugitive from service to the owner; but the northern states interpret the compact to authorise them to fine and imprison the owner demanding the delivery; by which the said owner is for ever thereafter disqualified to vote, to sit on a jury, or to give evidence in court; and is, on account of the penal servitude, with his wife and children disgraced beyond all possibility of restoration.

It may be said, that, notwithstanding these severe personal liberty laws of the non-slaveholding states, the southern man has ever gone to the northern states and secured possession of his slave, and has been permitted to take his property back to his home. But, in answer to this, we can, with a knowledge of facts, state to the contrary. Ask Kentucky how many of her noble sons have been incarcerated within the gloomy, rock-walled cells of the northern prisons, because they went to those states in search of their fugitive slaves?

CHAPTER XIX.

The Free Negroes and Africans of Mixed Blood—their Condition in the United States, and their Immunities in the Non-Slaveholding States.

Free Negroes.

Free negroes are not considered to be the equals of the whites in any of the states of America, except by a few fanatics. The civil liberties enjoyed by them in some of the northern states, have been conceded by political parties from time to time, not because they were considered the equals of the whites, but in order to secure popular elections in closely contested states. Occasionally the political parties in those states have been nearly equally divided; and they have been in the habit of yielding some franchise for the negro, in order to secure the suffrages of the whites, who seemed to have an especial affection or sympathy for that race. In this chapter, we propose, in the first place, to give an account of the condition of the free negroes in the slaveholding states; and secondly, their condition and immunities in the non-slaveholding or free states. As preliminary, we deem it proper to state what distinguishes the white race from the negro. A free negro is an individual, not a slave, having, in whole or in part, African blood; and society makes no distinction with respect to the degree of the mixture of blood. If there be the least

African blood in the child, though there be every appearance common to the white race, and even the straight black hair; it is, according to law, a negro, excepting when the issue is from a white mother. That is to say, if a child be born of a white woman, and the father be a full negro, the law recognises the child to be white; but society refuses to consider it except as a negro; and the mother is looked upon as a loathsome, hated, and despised creature. In all cases the child takes the condition of the mother; and if the father be a negro, the child is illegitimate, because there can be no marriage between the white and negro races. The revised statutes of Tennessee of 1858, fairly present the law in the premises—

"No white person can intermarry with a negro, mulatto, or other person of mixed blood, to the third generation."

All such marriages are void; and, besides, the parties are liable to be convicted of misdemeanor; and the penalty for which is, in all cases, either a fine or imprisonment, or both, at the discretion of the court. Such are the facts with respect to the free negro blood in all the states of America. We will now proceed to cite some of the laws.

Free Negroes in the Slaveholding States.

A free negro has certain civil liberties in the southern states; though in none of them are they equal, as a whole, to those enjoyed by a white man. The negro cannot vote; yet his evidence, in certain cases, is received with the same degree of force as that given by a white witness. In the slaveholding states there are many very stringent laws

restricting the liberties of the free negroes, which have been passed with a view to protect the property in slaves. These laws are of legislative creation, and not of constitutional permanency. They can be repealed or amended whenever the public may consider such changes conducive to the common welfare. Many of the laws are but dead letters; though, on the occurrence of aggravated cases, and the peace of society requiring it, they become operative without let or hindrance.

In Louisiana, the law expects, that—

"Free people of colour ought never to insult or strike white people, nor presume to conceive themselves equal to the whites; but, on the contrary, they ought to yield to them on every occasion, and never speak or answer them but with respect, under penalty of imprisonment, according to the nature of the offence."

In Maryland, a free negro coming into the state, cannot remain in it without a pass from a justice of the peace, except for the term of one week, under a penalty of fifty dollars; and in case of inability to pay the said fine, he can be sold. If a free negro leave the state for a term of one month, he cannot return again to reside, unless, prior to his leaving, he procures from a justice of the peace a certificate of his intentions. Free negroes cannot immigrate into any of the slaveholding states, without permission by legislative enactment, which is seldom granted. In some of the states, a free negro man cannot marry a slave. In others he can; but the issue is a slave. In all the southern states, every free negro is expected to keep "free-papers;" and in some of them he must have a magistrate's pass, renewed annually. With a legal certificate, he can travel from one state to another, and back again, at his own will.

without hindrance. If, however, he fail to have his free-papers, he is liable to be arrested on suspicion of being a fugitive slave, and imprisoned until his freedom is established. And if he cannot prove his freedom, he can be sold for jail fees; but he can recover his liberty at any time by proving his rights; and the evidence may be parole, or the certificate of a magistrate. It may seem cruel to sell a free negro, or that there should be laws even making a free man liable to be sold. But such is the case; and those laws were intended for wise purposes—not to enslave the negro, but to protect the property known as slaves. In Missouri, and, if we mistake not, in several other states, a white man can be sold at public auction to the highest bidder! In most of the southern states, vessels coming from free states, or foreign countries, cannot land free negroes, except under severe penalties. Schools for educating free negroes are expressly forbidden by the statutes of nearly all the southern states; but we doubt if there be a single state that enforces the law, except in times of suspicion of an intended insurrection of the slaves. Free negroes and slaves are forbidden to meet together for religious or other purposes; and the penalties are very severe if they are found thus assembled: practically, however, these laws are not enforced; for they do meet in every state, and in all parts of the states, in very large numbers—perhaps, occasionally, as many as a thousand at one meeting. The presence of one, two, or more white persons, shields them from all penalties. So true is this, that when we were but eighteen years of age, we often attended slave and free negro

meetings, in order to meet the requirements of the statutes. We know of no state laws forbidding the assembling of free negroes; but they cannot hold meetings with the slaves, except under the liability of severe penalties.

The constitutions of Delaware and Maryland make no restrictions to the continuance of free negroes in those states.

The constitution of Virginia authorises the legislature to "pass laws for the relief of the state from the free negro population, by removal or otherwise." The constitution of North Carolina declares, that—

"No free negro, free mulatto, or free person of mixed blood, descended from negro ancestors to the fourth generation inclusive (though one ancestor of each generation may have been a white person), shall vote for members of the senate, or House of Commons."

The constitution of the state of Kentucky declares, that—

"The general assembly shall pass laws, providing that any free negro or mulatto hereafter immigrating to, and refusing to leave this state, or having left, shall return and settle within this state, shall be deemed guilty of felony, and be punished by confinement in the penitentiary thereof."

Notwithstanding this seeming prohibition, free negroes come into Kentucky, and depart at their own pleasure. They declare themselves residents of another state, and thus escape the penalty of the law; but they cannot come into the state to *reside* without statutory permission.

The constitution of Tennessee declares, that—

"All free men of colour shall be exempt from military duty in time of peace; and also from paying a free poll-tax."

There is no restriction to their living in the state. The constitution of Florida declares, that—

"The general assembly shall have power to pass laws to prevent

free negroes, mulattoes, and other persons of colour, from immigrating to this state; or from being discharged from on board any vessel in any of the ports of Florida."

The constitutions of the states of South Carolina, Georgia, Louisiana, Texas, Mississippi, Alabama, Missouri, and Arkansas, do not make any reference to free negroes.

Free Negroes in the Non-Slaveholding States.

Several of the northern states' statute laws have been passed, granting to free negroes the same civil liberties enjoyed by the whites: practically, however, their immunities are but legal, and only enjoyed when and where society cannot restrain or withhold them. Socially, the free negroes are distinct from the whites; and the former can associate only with a few abolitionists of the latter race. In Ohio, as in most of the non-slaveholding states, the free negro cannot vote; and so recent as 1860, a law passed the legislature, styled "An Act to prevent the Amalgamation of the White and Coloured Races." This law forbids persons possessing a visible admixture of African blood, to intermarry with any person of pure white blood; and if any person solemnize such a marriage, he is liable to be fined not more than one hundred dollars, or imprisoned for a term not exceeding three months, at the discretion of the court. The law of Michigan declares, that "no white person shall intermarry with a negro or mulatto." Massachusetts has enacted, that "no white person shall intermarry with a negro, Indian, or mulatto;" and all such marriage contracts are declared null and void.

By statutes of Indiana, enacted in 1843, it is declared—

"No white person shall intermarry with a negro or mulatto; and any marriages between a white person and a negro or mulatto, shall be absolutely void, without any legal proceedings; and all children born of such person shall be declared illegitimate and bastards."

"Every person who shall knowingly counsel, abet, or assist in any way or manner whatever, in any marriage between any negro and white person, or between any person having one-eighth part or more of negro blood and any white person, shall, upon conviction thereof, be fined in any sum not less than 100 dollars, nor more than 1,000 dollars."

By statute of the state of Illinois, it is enacted, that—

"No person of colour, negro or mulatto, of either sex, shall be joined in marriage with any white person, male or female, in this state; and all marriages or contracts entered into between coloured persons and white persons, shall be null and void in law; and every person so offending, shall be liable to pay a fine, whipped in not exceeding thirty-nine lashes, and be imprisoned not less than one year; and every person so offending shall be held to answer in no other than a criminal prosecution by information or indictment."

Any clerk issuing a licence for such marriage, and any person solemnising the same, shall be subject to pay a fine of 200 dollars. Efforts have been made in Connecticut, Michigan, and in some of the other non-slaveholding states, to permit free negroes to vote; but, at the popular elections, the propositions were rejected. The state of Oregon, admitted into the Union in 1859, and since the commencement of the slavery agitation in the United States, has exceeded the most intolerant slave state in making legal restrictions against the free negroes. The constitution declares, that "no negro, Chinaman, or mulatto, shall have the right of suffrage;" and it further declares, that—

"No free negro, or mulatto, not residing in this state at the time of the adoption of this constitution, shall ever come, reside, or be

within this state, or hold any real estate, or make any contract, or maintain any suit therein; and the legislative assembly shall provide by penal laws for the removal by public officers of all such free negroes and mulattoes, and for their effectual exclusion from the state, and for the punishment of persons who shall bring them into the state, or employ or harbour them therein."

On the adoption of the constitution, a separate vote was taken on the above most remarkable prohibitory clause; and the ballot stood thus: in favour of it, 8,640; against it, 1,081; making a majority of 7,559 against free negroes coming into the state.

Free negroes cannot vote in the following non-slave-holding states:—Illinois, Michigan, Iowa, Wisconsin, California, Minnesota, Oregon, Ohio, Indiana, New Jersey, Pennsylvania, and Connecticut. The states of New York, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine, permit free negroes to vote; but, in some of them, property qualification is required.

The constitution of the state of Indiana declares—

"No negro or mulatto shall come into or settle in the state after the adoption of this constitution.

"All contracts made with any negro or mulatto coming into the state, contrary to the provision of the foregoing section, shall be void; and any person who shall employ such negro or mulatto, or otherwise encourage him to remain in the state, shall be fined in any sum not less than ten dollars, nor more than 500 dollars.

"All fines which may be collected for a violation of the provisions of this article, or of any law which may hereafter be passed for the purpose of carrying the same into execution, shall be set apart and appropriated for the colonization of such negroes and mulattoes, and their descendants, as may be in the state at the adoption of this constitution, and may be willing to emigrate.

"The general assembly shall pass laws to carry out the provisions of this article."

The reader will observe, that, according to the constitu-

tion of Indiana, and although the state is non-slaveholding, a free negro cannot even go into it. There is not a slaveholding state, with a prohibition respecting free negroes, more severe than the one just quoted.

By the statutes of Indiana, revised in 1843, it is declared—

"No negro, mulatto, or Indian shall be a witness, except on pleas of the state, against negroes, mulattoes, or Indians; and, in civil causes, where negroes, mulattoes, or Indians alone are parties, every person other than a negro having one-fourth part negro blood or more, or any one of whose grandfathers or grandmothers shall have been a negro, shall be deemed an incompetent witness."

By statute of Ohio, 1841, it was declared—

"That no black or mulatto person or persons shall hereafter be permitted to be sworn or give evidence in any court of record, or elsewhere in this state, in any cause depending, or matter of controversy, where either party to the same is a white person, or in any prosecution which shall be instituted in behalf of this state, against any white person."

By statute of New Jersey, 1798, it was declared—

"That no free negro or mulatto, of or belonging to this state, shall be permitted to travel or remain in any county in this state, other than in the county where his or her place of residence may lawfully be, without a certificate from two justices of the peace of the county in which he or she belonged, or from the clerk of the county, under the seal of the court, certifying that such negro or mulatto was set free, or deemed and taken to be free in such county."

In the revised statutes of Illinois, issued in 1833, it is declared, by act of 1819—

"That it shall not be lawful for any person or persons to bring into this state any negro or mulatto who shall be a slave, or held to service at the time, for the purpose of emancipating or setting at liberty any such negro or mulatto; and any person or persons who shall bring in any such negro or mulatto for the purpose afore-

said, shall give a bond to the county commissioners where such slave or slaves are emancipated, in the penalty of 1,000 dollars, conditioned that such person emancipated by him shall not become a charge upon any county in the state; and every person neglecting or refusing to give such bond, shall forfeit and pay the sum of 200 dollars for each negro or mulatto so emancipated or set at liberty."

By statute of 1829, it was enacted—

"Any person who shall hereafter bring into this state any black or mulatto person, in order to free him or her from slavery, or shall directly or indirectly bring into this state, or aid or assist any such black or mulatto person to settle or reside therein, shall be fined 100 dollars on conviction or indictment, or before any justice of the peace of the county."

By statute of 1819, it was enacted—

"That any such servant [free negro] being lazy, disorderly, or guilty of misbehaviour to his master or master's family, shall be corrected by stripes," &c.

"That no negro, mulatto, or Indian, shall at any time purchase any servant other than their own complexion."

"All contracts between masters and servants during the time of service shall be void."

We have carefully examined all the slave codes of the southern states; and we have not been able to find anything equal in severity to the following, taken from the Illinois revised statutes of 1833:—

"That if any person or persons shall permit or suffer any slave or slaves, servant or servants of colour, to the number of three or more, to assemble in his, her, or their out-house, yard, or shed, for the purpose of dancing or revelling, either by night or by day, the person or persons so offending shall forfeit and pay a fine of twenty dollars." It is made "the duty of all coroners, sheriffs, judges, and justices of the peace, who shall see or know of, or be informed of any such assemblage of slaves or servants, immediately to commit such slaves or servants to the jail of the county, and on view or proof thereof, order each and every such slave or servant to be whipped, not exceeding thirty-nine stripes on his or her bare back."

In 1827, it was enacted, that—

"A negro, mulatto, or Indian, shall not be a witness in any court, or in any case against a white person.

"A person having one-fourth part negro blood shall be adjudged a mulatto."

By statute of 1829, it was enacted—

"Free negroes or mulattoes can reside in Illinois by giving a certificate of freedom, and a bond, with sufficient security, to the people of this state, in the penal sum of 1,000 dollars, conditioned that such person will not, at any time, become a charge to any county in the state as a poor person, and that the said person will demean himself or herself in strict conformity with the laws of this state."

Chancellor Kent, in his commentaries on American law, says—Marriages between the negro and the white races are forbidden in some of the states; and where not absolutely contrary to law, they are revolting, and regarded as an offence against public decorum. By the revised statutes of Illinois, hereinbefore quoted, marriages between whites and negroes, or mulattoes, are declared void; and the persons so married are liable to be whipped, fined, and imprisoned. By an old statute of Massachusetts, in 1705, such marriages were declared void; and they were so under the statute of 1786. And the prohibition is continued under the revised statutes of 1835, which declare, that no white person shall intermarry with a negro, Indian, or mulatto. Public sentiment is so adverse to the marrying of whites with the negroes, that statutes are really unnecessary in any of the states. Such a marriage would incense the people to such a degree, that the law could not restrain them from a riotous act. It is not material for us to discuss whether or not these coercive measures

best subserve the public good: we give the facts for information, and leave the problem for others to solve. The *status* of the negro race in America creates sad reflections; and an amelioration of their condition can only spring from a well-directed philanthropy; but never through the influence of the hypocritical teachings of American abolitionism.

By statutes of Vermont, passed in 1801, citizens from other states could be prohibited from residing in that state, whether they were of the white or negro races. The law declared, that—

"The select-men shall have power to remove from the state any persons who come there to reside. And any person removed, and returning without permission of the select-men, shall be whipped, not exceeding ten stripes."

By statute of Rhode Island, it was declared, that—

"The town council shall, if any free negro or mulatto shall keep a disorderly house, or entertain any person or persons at unseasonable hours, break up his house, and bind him out to serve for two years."

"That no white person, Indian, or mulatto or negro, keeping house in any town, shall entertain any Indian, mulatto, or negro servant or slave; if he does, to be punished by fine," &c.

"That none [Indians, negroes, and mulatto servants] should be absent at night, after nine o'clock. If found out, to be taken up and committed to jail till morning, and then appear before a justice of the peace, who is ordered and directed to cause such servant or slave to be publicly whipped by the constable, ten stripes."

"That whosoever is *suspected* of trading with a servant or slave, and shall refuse to purge himself by oath, shall be adjudged guilty, and sentence shall be given against him," &c.

By statute of Massachusetts, passed in 1788, revised in 1798, and again in 1802, it was enacted—

"That no person, being an African or negro, other than a subject of the emperor of Morocco or a citizen of the United States, to be evidenced by a certificate, &c., shall tarry within this commonwealth

for a longer time than two months; if he does, the justices have power to order such person to depart, &c.; and if such person shall not depart within ten days, &c., such person shall be committed to the prison or house of correction. And for this offence, &c., he shall be whipped, &c., and ordered again to depart in ten days; and if he does not, the same process and punishment to be inflicted, and so *toties quoties.*"

The state of Connecticut, by statute of 1792, declared—

"That when an inhabitant of the United States (this state excepted) shall come to reside in any town in this state, the civil authorities, or major part of them, are authorised, upon the application of the select-men, if they judge proper, by warrant under their hands, directed to either of the constables of said town, to order said person to be conveyed to the state from whence he or she came."

"The select-men of the town are to warn any person not an inhabitant of this state, to depart from such town; and the person so warned, if he does not depart, shall forfeit and pay to the treasurer of such town, one dollar and sixty-seven cents per week. If such person refuse to depart or pay his fine, such person shall be whipped on the naked body, not exceeding ten stripes, unless such person depart in ten days."

"If any such person return after warning, he is to be whipped again, and sent away, and as often as there is occasion."

By statute of 1796, it was declared, that—

"Whatsoever negro, mulatto, or Indian servant, shall be found wandering out of the bounds of the town or place to which they belong, without a ticket or pass in writing, to be taken up," &c.

"No free negro is to travel without a pass from the select-men or justices."

"Every free person shall be punished by fine, &c., for buying or receiving anything from a free negro, mulatto, or Indian servant."

The state of New York passed a statute in 1801, declaring, as shown in the following, the right to expel from the state the white, negro, or mulatto people of other states of the Union; viz.—

"If a stranger be entertained in the dwelling-house or out-house

of any citizen for fifteen days, without giving notice to the overseers of the poor, he shall pay a fine of five dollars."

"If such person continue above forty days, the justices can call on the inhabitants of the town or city, and the person may be sent to jail," &c. And the justices may cause such stranger to be conveyed from constable to constable, until transported into any other state, if from thence he came.

"If such person return, the justices, if they think proper, may direct him to be whipped by every constable into whose hands he shall come; to be whipped, if a man, not exceeding thirty-nine lashes; and if a woman, not exceeding twenty-five lashes; and so as often as such person shall return."

We have thus plainly and frankly described the rights enjoyed by the free negroes in the United States. We might have explained their social position and industrial habits; but neither of them are creditable to the race. It is but fair to admit, however, that there are circumstances producing their degradation. If the negro race had equal advantages to those enjoyed by the white race, we do not know to what degree of industrial position they might attain.

CHAPTER XX.

The Missouri Compromise of 1821; the Passage of the Kansas-Nebraska Bill of 1854; the Dred Scott Decision.

The Missouri Compromise of 1821.

The ordinance of 1787, establishing the north-west territory, declared, that—

"There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes," &c.: *provided*, "that any person escaping into the same, from whom labour or service is lawfully claimed in any one of the original states, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labour or service as aforesaid."

This ordinance, adopted by consent of Virginia, established, that there should never be slavery in the territory north-west of the Ohio river. The states of Kentucky, Tennessee, Alabama, and Mississippi, were admitted into the Union after the constitution was adopted. Those states were taken from the territories of states that formed the constitutional government of 1789; and slavery existed in them prior to that date. Louisiana and Florida were purchased with slavery existing in them. When Louisiana was formed into a state, in 1812, the whole territory west of the Mississippi river, and north of Louisiana, had but a few settlements; and in the organisation of Missouri from a part of the old Louisiana territory, the slavery question was agitated. This immense domain was pur-

chased from France, and paid for at the expense of the whole nation. Slavery actually existed in Missouri in 1821, when that state was admitted into the Union; and, in fact, from its first settlement. The question in Congress, with respect to the Missouri organisation, was called the "slavery restriction;" and had in view the same principle as now understood by the term "non-extension of slavery." The proposition was, to limit or restrict slavery to the territories of the old states, and to forbid its further introduction into the purchased domain, both before and after state organisation. The restriction was most powerfully advocated in Congress while the Missouri question was pending in 1817, 1818, 1819, 1820, and 1821. In 1818, the Missouri Bill was discussed; and Mr. Tallmadge, of New York, offered the following amendment; viz.—

"That the further introduction of slavery or involuntary servitude be prohibited, except for the punishment of crimes whereof the party shall be duly convicted; and that all children of slaves, born within the said state after the admission thereof into the Union, shall be free, but may be held to service until the age of twenty-five."

The bill, thus amended, passed the house by a vote of—yeas, 98; nays, 56. It was then sent to the senate. In that body, the motion to strike out all after the word "convicted," was carried by—yeas, 27 against the restriction; nays—for the restriction, 7. On the motion to strike out the other part of the restriction the vote stood—yeas, 22; nays, 16. The bill, as amended, was then sent to the house, where it met with opposition; and, for want of time, the bill failed to receive further consideration

during that session. In 1819, the Missouri Bill was again taken up, and warmly discussed. In the meantime the legislatures of nearly all the northern states passed resolutions, and forwarded them to Congress, in favour of the restriction just cited. The legislatures of the slaveholding states, with but one or two exceptions, were against the restriction. At this Congress it was proposed to admit the state of Maine into the Union; and the resolve for the admission of Missouri was added to the Maine Bill as a rider: ultimately, however, the bills for the admission of these states were taken separately. Mr. Thomas, of Illinois, proposed an amendment to the bill; viz.—

"In all that territory ceded by France to the United States, under the name of Louisiana, which lies north of thirty-six degrees thirty minutes north latitude, excepting only such part thereof as is included within the limits of the state (Missouri) contemplated by this act, slavery and involuntary servitude, otherwise than in the punishment of crimes whereof the party shall have been duly convicted, shall be and is hereby for ever prohibited."

The constitutional fugitive slave clause was coupled with the above amendment. The bill thus passed the senate, and was sent to the house, where it was amended by a vote of 159 to 18. The adoption of the alteration was a virtual rejection of the senate bill. This amendment to exclude slavery from the territory north-west of latitude 36° 30′, it will be observed, originated in the senate, and there passed its first reading by a vote of 34 to 10; among the ayes were fourteen senators, and, among the nays, were eight members from slaveholding states. On the engrossment of the bill, the vote stood—24 ayes to 20 noes. Of the former, there were twenty from the slaveholding states, and

four from the non-slaveholding states. The votes against the bill (adopting the 36° 30′ line), were—eighteen from non-slaveholding, and two from slaveholding states. It will be seen, from these votes, that there was no compromise between the northern and southern states; but that the restriction was adopted by the south, and against the northern vote. This was not the great Missouri compromise issue: that pacificating proposition originated a year later with Mr. Clay, and pertained only to the rights of free negroes. It is proper to observe, however, that the restriction line (36° 30′) isgenerally, though erroneously, called the "Missouri Compromise." The bill, as amended, was then sent back to the senate, where the house amendment was disagreed to. A conference committee was appointed; and the following were agreed to by the joint committee, and reported to the respective houses; viz.—

1st. The senate should give up the combination of Missouri in the same bill with Maine.

2nd. The house should abandon the attempt to restrict slavery in Missouri.

3rd. Both houses should agree to pass the senate's separate Missouri Bill, with Mr. Thomas's restriction, or compromising proviso, excluding slavery from all territory north and west of Missouri.

The report of the conference committee was agreed to by the house: ayes, 90; noes, 87. The bill, thus agreed to, passed the senate, and became law, by which the people of the territory of Missouri, as therein prescribed, were authorised to form a constitution preparatory to making an application for admission into the Union as an organised state.

In 1820, the Missouri constitution was presented, with the application for admission into the Union. And although it was understood that the question was settled in 1819, and that the organisation of the state was to be as then prescribed; yet, on the proposition of acceptance of the state, in 1820, the north again rallied in opposition, principally originating from some clauses which were contained in the proposed constitution; namely—

"The general assembly shall have no power to pass laws, first, for the emancipation of slaves without the consent of their owners, or without paying them, before such emancipation, a full equivalent for such slaves so emancipated; and, second, to prevent *bonâ fide* emigrants to this state, or actual settlers therein, from bringing from any of the United States, or from any of their territories, such persons as may there be deemed to be slaves so long as any persons of the same description are allowed to be held as slaves by the laws of the state. * * * *It shall be their duty, as soon as may be, to pass such laws as may be necessary to prevent free negroes and mulattoes from coming to, or settling in this state under any pretext whatever.*"

The clause italicised, was considered by the northern members of Congress to be in violation of the constitution of the United States, which gives to the citizens of each state the rights of citizens in every state.

The vote, on admission, was—yeas, 79; nays, 93. An attempt was then made to admit the new state on a joint resolution qualifying the clauses above given; but it failed. Mr. Clay, from Kentucky, then proposed to refer the question to a joint committee, to be chosen by ballot. The house agreed to this by a vote of 101 to 55; and Mr. Clay became the chairman of the committee. It was agreed by this committee—

"That a solemn pledge should be required of the legislature of

Missouri, that the constitution of that state should not be construed to authorise the passage of any act, and that no act should be passed by which any of the citizens of either of the states should be excluded from the enjoyment of the privileges and immunities to which they are entitled under the constitution of the United States."

This was Mr. Clay's Missouri compromise. It was agreed to by the house—yeas, 86; nays, 82. In the senate —yeas, 26; nays, 15. The state of Missouri complied with the agreement; and thus closed the great Missouri struggle.

Repeal of the Missouri Restriction by the Kansas-Nebraska Bill.

In 1854, it was proposed to open the territory of Kansas for settlement; and, to that end, senator Douglas introduced a bill, called the "Kansas-Nebraska Bill," by which those territories were authorised to be settled; territorial governments to be established; and that, on the organisation of those territories into states, the people thereof respectively should then have the right to decide whether or not slavery should be allowed in the state after it was admitted into the Union. This law proposed to leave the subject of slavery wholly with the people of the territory. The submitting of the question thus to the people, was viewed as a repeal of the Missouri restriction of 1820, which stipulated that there never should be slavery in the territory north of latitude 36° 30′; and Kansas and Nebraska were situated north of that line. The bill proposed by Mr. Douglas ultimately passed both houses of Congress in 1854, and became law. The right to

exercise this power, thus declared to lie with the people, has been called "squatter sovereignty."*

The opponents of this repeal of the Missouri restriction, have been known as the "Free-soil," "Non-extension," or "Republican" parties. They have embraced, as temporary adherents, the anti-slavery, and fractionals of the old Whig and Know-nothing parties; and also the extreme abolition and amalgamation fanatics of the northern states.

With respect to the constitutional powers over the territories, there are various opinions entertained by statesmen. We will state those differences under the eight following classifications; viz.—

1st. Those who believe that the constitution of the United States neither establishes nor prohibits slavery in the states or territories beyond the power of the people legally to control it, but "leaves the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the constitution of the United States."

2nd. Those who believe that the constitution establishes slavery in the territories, and withholds from Congress and the territorial legislature the power to control it, and who insist, that in the event of the territorial legislature failing to enact the requisite laws for its protection, it becomes the imperative duty of Congress to interpose its authority, and furnish such protection.

3rd. Those who believe that the constitution establishes slavery in the territories beyond the power of Congress or the territorial legislature to control it, but, at the same time, protest against the duty of Congress to interfere for its protection; and insist that it is the duty of the judiciary to protect and maintain slavery in the territories without any law upon the subject.

* The appellation, "squatter," is applied to the inhabitants occupying public lands; which secures to them certain rights of preemption to purchase those lands whenever the Congress of the United States shall authorise their sale.

4th. Those who believe that the constitution neither establishes nor prohibits slavery in the territories west of the Mississippi river, and, as that territory has been purchased since the constitution was formed, Congress has the power to determine the time and conditions of its settlement, whether with or without slavery.

5th. Those who believe that property exists in slaves by common law, and the owners of such property have a right to carry that specific chattel into any of the territories, the said territories being the common domain of the nation, and not subject to the statute laws of the United States with respect to slavery or any other chattel property.

6th. Those who believe that Congress has the power to determine whether or not slavery shall be in any given territory; that slavery is a species of property created by municipal statute law, and, therefore, in order for it to exist in any territory, Congress must enact a law declaring property in slaves for and within the given territory.

7th. Those who believe that the normal condition of all the territory of the United States is that of freedom, and deny the authority of Congress, of a territorial legislature, or of any individuals, to give legal existence to slavery in any territory of the United States.

8th. Those who believe that there cannot be property in man; "that all men are born equally free and independent;" and that all recognition of the right and legality of slavery in man, whether in the constitution or in the statutes, is in violation of the inalienable rights of man; and cannot be enforced within the jurisdiction of the federal codes.

The first of the above classifications was the principle recognised by the Kansas-Nebraska Bill; the seventh was the recognised doctrine of the republican party of 1860.

The Dred Scott Decision.

The Dred Scott case was determined by the Supreme Court of the United States, subsequent to the passing of the Kansas-Nebraska Bill. The court decided, in substance—

1st. That under the constitution of the United States, a negro

descended from slave parents, the mother determining the issue, is not and cannot be a citizen of the United States.

2nd. That the act of the 6th of March, 1820, commonly called the "Missouri Restriction," was unconstitutional and void before it was repealed by the Kansas-Nebraska Act of 1854, and consequently did not and could not have the legal effect of extinguishing a master's right to his slave in the territory north of latitude 36° 30′—the territory in which the Missouri restriction declared slavery should never exist.

The Dred Scott case has been stated thus:—It was an action of trespass, *vi et armis*, in the circuit court of the United States for the district of Missouri, for the purpose of establishing his claim to be a free man; and was taken by a writ of error, on the application of Scott, to the Supreme Court of the United States, where the final decision was pronounced. The facts of the case were agreed upon, and admitted to be true by both parties; and were, in substance—that Dred Scott was a negro slave in Missouri; that he went with his master, who was an officer in the army, to Fort Armstrong, on Rock Island—territory of Illinois, a non-slaveholding state—and thence to Fort Snelling, on the west bank of the Mississippi river, and within the country covered by the act of Congress, known as the "Missouri Restriction;" and then he re-accompanied his master to the state of Missouri, where he remained a slave until his death, in 1858. Upon the agreed statement, two important and material questions arose, besides several incidental and minor ones, which the court considered in the giving of its decision—namely, the right of a negro to become a citizen of the United States; and the constitutionality of the Missouri restriction. The state courts of Missouri had decided

against Dred Scott, and declared him and his children slaves; and the circuit court of the United States, for the district of Missouri, had decided the same thing when the question was before that tribunal, from which it was taken by a writ of error to the Supreme Court of the United States at Washington, by Scott, with the hope of reversing the decision of the circuit court of Missouri, and securing his freedom.

The republican party has contended that the Supreme Court exceeded propriety, and extended its decision to questions not legitimately belonging to the case, in order to sustain slavery doctrines; and, with that view, the party has assailed, very vindictively, the integrity of the judges who gave that decision. In 1860, with respect to the principles of law embraced in this judgment, the republican party declared; viz.—

"That the new dogma, that the constitution, of its own force, carries slavery in any or all of the territories of the United States, is a dangerous political heresy, at variance with the explicit provisions of that instrument itself, with contemporaneous exposition, and with legislative and judicial precedent; is revolutionary in its tendency, and subversive of the peace and harmony of the country."

The democratic party of 1860, that nominated Mr. Breckenridge, resolved—

"That the government of a territory, organised by an act of Congress, is provisional and temporary; and during its existence, all citizens of the United States have an equal right to settle with their property in the territory, without their rights, either of person or property, being destroyed or impaired by congressional or territorial legislation."

The branch of the democratic party nominating Mr. Douglas, in 1860, resolved—

"That the democratic party will abide by the decisions of the

Supreme Court of the United States," on the questions of constitutional law."

It will be seen, from the declarations before referred to, that the democratic parties were in favour of sustaining the decisions of the Supreme Court of the United States with respect to the principles of the Dred Scott case; and that the republican party was adverse to carrying out the said judgment.

We deem it proper to remark, that this case was not of very great importance to Scott, in his own opinion, more especially as he enjoyed greater liberty than he could have done had he been a free negro. He died in St. Louis, in 1858. We attended his funeral, as did many others who respected him for his long career as a faithful and a law-abiding servant.

CHAPTER XXI.

Political Parties, from 1789 to 1860.

THERE were no parties at the elections of President Washington. During his second term of presidency, the federal and republican parties sprang into existence; John Adams being at the head of the former, and Thomas Jefferson the leader of the latter. In 1796, Mr. Adams was inaugurated president; and, during his administration, the alien and sedition laws were passed, the unpopularity of which defeated him at the next election, and made Mr. Jefferson president, who was re-elected in 1804. In 1808, and in 1812, the republican party elected James Madison president. In the latter year there was a division in the party; the New York republican legislature nominating De Witt Clinton, who had been selected as the candidate by the opposition convention which assembled in New York city, composed of representatives from eleven states. In 1816, the republican party elected James Monroe; and the opposition, or federal party, nominated Rufus King. In 1820, Mr. Monroe was re-elected without opposition. In 1824, party excitement was higher than ever it was before. Washington had been nominated as a candidate by popular manifestation. The republican party, formed during the latter term of Washington's presidency, was the first to organise for the nomination of candidates. After

this, and until 1824, the members of Congress nominated the candidates for the presidency. The nominating meeting, or the party organised in a convention composed of the members of Congress, was called a "Caucus." In 1824, the party refused to unite in caucus; and the division produced what was called the "Scrub-race." The candidates were John Quincy Adams of Massachusetts, Andrew Jackson of Tennessee, Henry Clay of Kentucky, and William H. Crawford of Georgia. The latter gentleman, however, was the nominee of the fractional caucus. The term "democratic" began at this time to be applied to the republican party. The "federal" party had ceased to exist; and, after 1824, the republican party was merged into a new combination, called national republican. The "Scrub-race" of 1824 resulted in no election by the people. General Jackson had 99 electoral votes; Mr. Adams, 84; Mr. Crawford, 41; and Mr. Clay, 37. The election was carried to the House of Representatives, where, according to the constitution, the first three candidates were voted for, according to states—that is to say, each state, however large or small, had one vote. There were then twenty-four states, or twenty-four votes; and of these, Mr. Adams, by the union of Mr. Clay's friends, received 13 votes; General Jackson, 7; and Mr. Crawford, 4. Mr. Adams was inaugurated president, and Mr. Clay was appointed secretary of state, an office considered a certain stepping-stone to the presidency. The friends of General Jackson immediately charged Mr. Adams and Mr. Clay with having bargained the election in the house; and though there was not the slightest foundation for the

accusations alleged against those pure men, yet they caused them serious injury. At the election of 1828, the candidates were—General Jackson, nominated by the legislature of Tennessee; and Mr. Adams, nominated by general consent of his party. The former was elected by a very large majority; and with his nomination commenced the "Jackson party," which was sometimes called "democratic."

In 1832, there were three parties regularly organised, with candidates for the presidency. With their nominations commenced the "declaration of principles."* One of the parties was called Anti-Masonic, which originated from the supposed murder of a man by the name of Morgan, who had revealed the secrets of freemasonry; and his murder was said to have been committed by the Masons. A convention of delegates from the northern states, and from Delaware and Maryland, assembled at Baltimore in September, 1831, and nominated William Wirt as the candidate of the party for the presidency. The convention, through its committee, issued a long address, giving a detailed account of the murder of Morgan, and of the Masonic fraternity—charging the institution with the worst of wickedness. The address declared that freemasonry had become a political affair, and it was necessary to suppress it by law. With that view, they

* The declaration of principles has subsequently been styled a "platform." It is usual for the national convention to adopt a series of resolutions, each declaring a certain political principle. The whole is called a "platform," and each "resolve" is called a "plank." In latter years, these terms are universally employed and understood in the states of the Union."

appealed to the voters of the country to sustain the anti-Masonic candidate; asserting, "that an enlightened exercise of the right of suffrage, is the constitutional and equitable mode adopted by the anti-Masons, and is necessary to remove the evils they suffer, and produce the reforms they seek."

The "democratic party" nominated General Jackson, but declined to issue a declaration of principles; but—

"*Resolved*, That it be recommended to the several delegations in this convention, in place of a general address from this body to the people of the United States, to make such explanations, by address, report, or otherwise, to their respective constituents, of the objects, proceedings, and result of the meeting, as they may deem expedient."

Although the convention thus formally declined to declare a code of principles, yet the political policy of the first term of General Jackson had very clearly indicated his political faith. He was opposed to a national bank; was in favour of a "judicious tariff," which, in subsequent years, proved to be anti-protective; he was against any internal improvement system at the expense of the federal government.

The national republican party met in convention, and nominated Henry Clay, of Kentucky, for the presidency. They passed the following resolutions, declaring the principles of the party; viz.—

"*Resolved*, That an adequate protection to American industry is indispensable to the prosperity of the country; and that an abandonment of the policy, at this period, would be attended with consequences ruinous to the best interests of the nation; and that the indiscriminate removal of public officers for a mere difference of political opinion, is a gross abuse of power."

The three candidates were thus nominated by the

people assembled in conventions. The election resulted in the choice of General Jackson, who received 219 electoral votes: Mr. Clay received 49; Mr. Wirt, 7; and John Floyd, of Virginia, received 11—the vote of South Carolina.

In 1835, the "Democratic National" convention assembled in Baltimore, and nominated Mr. Martin Van Buren as the candidate for the presidency. No declaration of principles was made; but Mr. Van Buren was considered to be the Jackson candidate; and many people voted for him under the impression that they were voting for the general, whose popularity as a democrat was most extraordinary. The ballot-tickets very generally had printed upon them, "the Jackson party."

The opposition parties nominated General W. H. Harrison, of Ohio; Hugh L. White, of Tennessee; and Daniel Webster, of Massachusetts. General Harrison was the candidate of the new but somewhat local party, called "Whigs," of Pennsylvania and Maryland. He was also nominated by the democratic anti-Masonic party in Pennsylvania; Mr. White was known as the anti-Jackson candidate; and Mr. Webster was an opposition candidate, with protective principles. Mr. Van Buren received 170 votes; General Harrison, 73; Mr. White, 26; and Mr. Webster, 14.

In 1839, commenced a more energetic era in politics, and the most complete organisation of parties. The old republican party had ceased to exist. The feeble Whig party of 1836, on account of the unpopular administration of Mr. Van Buren, was now of very formidable numbers. The Whig national convention assembled in Harrisburg

(December, 1839), and nominated General Harrison for president. With this convention commenced the political "platforms," since so common in the United States. This "platform" assailed the Van Buren administration for its mismanagement of public affairs. The party advocated a national bank, internal improvements, a protective tariff, distribution of the proceeds of the public lands; and it declared its opposition to a sub-treasury, a standing army, and all the other political principles of the democratic party.

At this time the abolition party commenced its national political career; and James G. Birney, of Michigan, was nominated. The convention passed the following resolution; viz.—

"*Resolved*, That, in our judgment, every consideration of duty and expediency which ought to control the action of Christian freemen, requires of the abolitionists of the United States to organise a distinct and independent political party, embracing all the necessary means for nominating candidates for office, and sustaining them by public suffrage."

The abolition party of the United States thus commenced its aspirations for political power in national affairs. Mr. Birney declined the nomination; nevertheless 7,059 votes were cast for him.

The democratic national convention assembled in Baltimore, May 5th, 1840, which nominated Mr. Van Buren for the presidency. A "platform" was adopted, and issued to the voters of the nation. It declared in favour of a strict construction of the constitution; against internal improvements, and the assumption of the state debts; the

protective tariff; surplus revenue raised by a tariff; the chartering of a United States' bank; and—

"That all efforts, by abolitionists or others, made to induce Congress to interfere with questions of slavery, or to take incipient steps in relation thereto, are calculated to lead to the most alarming and dangerous consequences; and that all such efforts have an inevitable tendency to diminish the happiness of the people, and endanger the stability and permanency of the Union, and ought not to be countenanced by any friend to our political institutions."

The contest in 1840, commonly called a "campaign," was one of the most exciting elections ever held in the United States. Harrison was elected. He received 234 electoral votes, and Mr. Van Buren, 60. The popular vote for the former was 1,275,011; and for the latter, 1,122,912. This was the first triumph of the Whig party. Harrison died one month after his inauguration; and Mr. Tyler, the vice-president, came into power. He soon abandoned his party, and his administration was one of singular estrangement.

In 1844, the parties commenced the campaign with new resolves and increased energy. By this time the abolitionists of the northern states had increased in power, and were sufficiently strong to decide the election in some of the closely-contested states. With this era commenced the surrender of national questions by the great Whig and democratic parties, for the purpose of securing the abolition votes in the northern states, where the parties were nearly evenly balanced. The abolitionists had rallied under the name of the "Liberty party," and had effected extensive organisations in the different northern states. The party was rapidly increasing;

and their numbers, in a presidential contest, were not known. In 1840, the vote cast for Mr. Birney, in Massachusetts, was but 1,621; but the subsequent state elections very clearly indicated that, in 1844, the abolition vote would be at least 20,000; and the Whig and the democratic parties were both anxious to secure this ballot. In New York, the vote of the abolitionists was of still more importance, as they had, in that state, some 30,000 votes. Whichever party could get these votes was sure of success. The necessity of the case seemed to have influenced a construction of platforms, so as to secure the largest possible number of abolition votes. The Whig national convention assembled in Baltimore on the 1st of May, 1844, and nominated Henry Clay, of Kentucky, for the presidency. The platform of the party contained the following principles; namely, a well-regulated national currency; a tariff for revenue, to defray the necessary expenses of the government, and discriminating with special reference to the protection of the domestic labour of the country; distribution of the proceeds from the sales of public lands; a single term for the presidency; restriction of the veto power; reform in public expenditure; and conditionally opposed to the annexation of Texas. These principles were popular in the northern states; and it was supposed that they would secure the electoral votes for Mr. Clay. The Whig party had no hope of obtaining a majority in the southern states, as they were, as they had always been, opposed to a protective tariff.

The democratic national convention assembled at Baltimore on the 27th of May, and nominated James K. Polk,

of Tennessee, for the presidency. The Whig party had made its nomination, and had constructed its platform. The democratic convention re-adopted its platform of 1840, and added to it a few additional planks: it declared against the distribution of the proceeds from the sales of public lands; against the restriction of the veto power, and in favour of the re-annexation of Texas; the holding of the whole of Oregon, and excluding all claims of England to that territory. The platform of the party, thus amended, was decidedly southern with respect to Texas; but otherwise national. The platform of the Whig party was decidedly northern with respect to the tariff, but otherwise national. The slavery interest of the south was in favour of annexation; and, on the other hand, the anti-slavery interest was adverse to it. The abolitionists demanded a great concession of principles from the regular parties; and, not getting satisfactory assurances, it maintained an independent organisation.

The national convention of the Liberty party met in August, 1843, and nominated James G. Birney for president. It constructed a platform, consisting of upwards of twenty planks; asserting that the slaveholding states had acted in bad faith to the nation in not having emancipated their slaves; that slavery was a stain to the national character; was unconstitutional, and should be abolished in the district of Columbia, and forbidden in the territories, &c. The following resolves, however, were added to the platform:—

"*Resolved*, That we hereby give it to be distinctly understood by the nation and the world, that, as abolitionists, considering that the

strength of our cause lies in its righteousness, and our hope for it in our conformity to the laws of God, and our respect for the rights of man; we owe it to the Sovereign Ruler of the universe, as a proof of our allegiance to him, in all our civil relations and offices, whether as private citizens, or as public functionaries sworn to support the constitution of the United States, to regard and to treat the third clause of the fourth article of that instrument, whenever applied to the case of a fugitive slave, as utterly null and void, and consequently as forming no part of the constitution of the United States, whenever we are called upon or sworn to support it.

"*Resolved*, That to preserve the peace of the citizens, and secure the blessings of freedom, the legislature of each of the free states ought to keep in force suitable statutes, rendering it penal for any of its inhabitants to transport, or aid in transporting from such state, any person sought to be thus transported, merely because subject to the slave laws of any other state."

Thus was launched the third party, although the first to assemble; and it has gone on, from year to year, gathering in numbers each successive year, until, in 1860, it succeeded in the election of its president, and the disruption of the Union.

The platform of the Whig party, and the well-known anti-slavery tendencies of Mr. Clay, considerably reduced the Liberty party vote at the presidential election. In Massachusetts, the votes for Clay were 67,418; of which, at least 10,000 were of the Liberty party. Polk received 52,846; and Birney, 10,860. In New York, the votes cast for Clay were 332,482; for Polk, 237,588; and for Birney, 15,812. In this state, if Clay could have got the votes given to Birney he would have carried the election, and been president of the United States. We have been thus particular with reference to this election, to show the reason why the great Whig party sought the abolition votes in 1844—a policy which aided to extinguish it.

Mr. Polk was inaugurated on the 4th of March, 1845. His party had declared in favour of the annexation of Texas to the United States, during the campaign of 1844. The nation decided in favour of annexation; and on the 28th of February, 1845, Texas was admitted into the Union by a joint resolution of Congress. The war with Mexico followed immediately after this act of Congress.

In 1848, the different parties again brought forward their respective candidates. The democratic and the anti-slavery parties adhered to their principles; but the Whig party abandoned the custom of issuing a platform. No principles were adopted, and they nominated a candidate for availability—that is, the most popular man for the occasion. The Whig national convention assembled at Philadelphia in June, 1848; and General Taylor, of Louisiana, was nominated for the presidency. After the convention adjourned, the delegates returned to their respective states, where mass conventions were held, and resolutions proposed and adopted, conformably to the popular opinions of the section: thus each state adopted an independent platform.

The democratic national convention assembled in May, 1848, at Baltimore, when General Lewis Cass, of Detroit, was nominated for the presidency. The party amended its platform, took out some of the obsolete planks, and added a few new ones. It approved the course Mr. Polk had pursued, and especially his prosecution of the Mexican war; and it congratulated the administration upon "the noble impulse given to the cause of free

trade by the repeal of the protective tariff of 1842," which had been passed in Congress by the Whig party. A resolution was offered, declaring, "that the doctrine of non-interference with the rights of property (slavery) of any portion of the people of this confederacy, be it in the states or territories thereof, by any other than the parties interested in them, is the true republican doctrine recognised by this body."

The resolution was defeated by a vote of—yeas, 36; nays, 216. The doctrine was undoubtedly entertained by every member of the convention; but it was rejected because it was deemed inexpedient to declare so decisively upon the subject, as it might be the means of losing some of the northern states.

A faction arose in the Baltimore democratic convention, originating from local causes in New York; which resulted in the separation from the convention of a part of the delegates, and the subsequent assembling, on the 22nd of June, of the "free democratic" convention at Utica, New York. Ex-president Martin Van Buren, of New York, was nominated for president. This local nomination was not considered to be sufficiently national, and another convention was called, to meet at Buffalo on the 9th of August, at which Mr. Van Buren was again nominated. A platform was adopted, containing sixteen planks. The preamble stated—

"That the political conventions recently assembled at Baltimore and Philadelphia, the one stifling the voice of a great constituency, entitled to be heard in its deliberations, and the other abandoning its distinctive principles for mere availability, have dissolved the national party organisations heretofore existing, by nominating for

the chief magistracy of the United States, under slaveholding dictation, candidates, neither of whom can be supported by the opponents of slavery extension, without a sacrifice of consistency, duty, and self-respect."

This declaration shows, that in this convention there were representatives from the democratic and the old Whig parties.

The second plank in the platform of the Buffalo secessionary division of the democratic party, declared—

"That slavery, in the several states of this Union which recognise its existence, depends upon state laws alone, which cannot be repealed or modified by the federal government, and for which laws the government is not responsible. We therefore propose no interference by Congress with slavery within the limits of any state." It was further declared, "That the proviso of Jefferson, to prohibit the existence of slavery after 1800, in all the territories of the United States, southern and northern; the votes of six states and sixteen delegates, in the Congress of 1784, for the proviso, to three states and seven delegates against it; the actual exclusion of slavery from the north-western territory, by the ordinance of 1787, unanimously adopted by the states in Congress; and the entire history of that period, clearly show that it was the settled policy of the nation not to extend, nationalise, or encourage, but to limit, localise, and discourage slavery; and to this policy the government ought to return." And "That the true and the only safe means of preventing the extension of slavery into territory now free, is to prohibit its extension in all such territory by an act of Congress." And further, "That we accept the issue which the slave power has forced upon us; and to their demand for more slave states, and more slave territory, our calm but final answer is—no more slave states, and no more slave territories."

As a *finale*, the convention adopted the motto, "Free Soil—Free Speech—Free Labour—and Free Men." And thus was organised the "free democratic party" of 1848. This mixed convention, composed of the fractions from the democratic and Whig parties, and the old anti-slavery

party, it will be seen, restricted the platform to the non-extension of slavery, and at the same time declaring non-interference with slavery in the states. The election took place, and General Taylor received 163 electoral votes, and General Cass, 127. The popular vote was—for Taylor, 1,360,099; for Cass, 1,220,544; and for Van Buren, 291,263.

During the administration of Mr. Fillmore, who succeeded General Taylor after his death in 1850, the parties became excited upon the slavery question. The immediate cause of the agitation was the application for the admission of California, as a state, into the Union. The anti-slavery party was determined to prohibit slavery in the territories; and, on the other hand, the pro-slavery party was resolute in maintaining the legality of slave property throughout the public domain. The issues agitated the whole nation; and fears were then entertained of a rupture of the Union. Mr. Clay had saved the Union in 1821, by the Missouri compromise; and again in 1833, by the tariff compromise. He was now called from his retirement in Kentucky to the United States' senate, with the hope that he would again save the Union. He faithfully fulfilled his mission, and once more restored the nation to tranquillity. The compromise of 1850 added increased lustre to his fame and patriotism. Mr. Clay, as chairman of the committee, prepared and submitted the report known as "the compromise of 1850," which passed Congress, with a series of bills calculated to carry out the principles declared in the compromise report. These various bills were presented at the same time. As a whole, they were

commonly styled the "Omnibus Bill." The report, or compromise declaration of principles, was as follows: —

"1. The admission of any new state or states, formed out of Texas, to be postponed until they shall hereafter present themselves to be received into the Union, when it will be the duty of Congress fairly and faithfully to execute the compact with Texas, by admitting such new state or states.

"2. The admission, forthwith, of California into the Union, with the boundaries which she has proposed.

"3. The establishment of territorial governments, without the Wilmot proviso, for New Mexico and Utah, embracing all the territory recently acquired by the United States from Mexico, not contained in the boundaries of California.

"4. The combination of these two last-mentioned measures in the same bill.

"5. The establishment of the western and northern boundaries of Texas, and the exclusion from her jurisdiction of all New Mexico, with the grants of Texas of a pecuniary equivalent; and the section for that purpose to be incorporated in the bill admitting California, and establishing territorial governments for Utah and New Mexico.

"6. More effectual enactments of law to secure the prompt delivery of persons bound to service or labour in one state, under the laws thereof, who escape into another state; and,

"7. Abstaining from abolishing slavery; but, under a heavy penalty, prohibiting the slave-trade in the district of Columbia."

The "Omnibus Bill," containing acts in conformity with the principles of the above report, was passed; one of which was the fugitive slave law, so offensive to most of the northern states; to prevent the enforcement of which, some of the state legislatures subsequently passed personal liberty bills. The compromise, so far as it pertained to the fugitive slave law, has been nullified by the legislatures and the people in nearly all the northern, or non-slave-holding states.

In 1852, the parties again prepared for the contest, each

sanguine of success. The democratic convention met at Baltimore on the 1st of June, and nominated Franklin Pierce, of New Hampshire, for the presidency. The platform was reconstructed, in which parts of the platforms of 1840, 1844, and 1848 were included. The resolutions contained in the platform, bearing upon the present crisis in America, were—

"*Resolved*, That Congress has no power, under the constitution, to interfere with or control the domestic institutions of the several states, and that such states are the sole and proper judges of everything appertaining to their own affairs, not prohibited by the constitution: that all efforts of the abolitionists or others, made to induce Congress to interfere with questions of slavery, or to take incipient steps in relation thereto, are calculated to lead to the most alarming and dangerous consequences; and that all such efforts have an inevitable tendency to diminish the happiness of the people, and endanger the stability and permanency of the Union, and ought not to be countenanced by any friend of our political institutions.

"*Resolved*, That the foregoing proposition covers, and is intended to embrace, the whole subject of slavery agitation in Congress; and, therefore, the democratic party of the Union, standing on this national platform, will abide by, and adhere to, a faithful execution of the acts known as the compromise measures, settled by the last Congress—the act for reclaiming fugitives from service or labour included; which act being designed to carry out an express provision of the constitution, cannot, with fidelity thereto, be repealed, nor so changed as to destroy or impair its efficiency.

"*Resolved*, That the democratic party will resist all attempts at renewing in Congress, or out of it, the agitation of the slavery question, under whatever shape or colour the attempt may be made."

From the above resolutions, it will be seen that the democratic party emphatically declared against slavery agitation. In the convention of 1848, a similar resolution had been rejected by a vote of 216 to 36. On this occasion, the

convention, appreciating the strength of the abolition party, resolved, with an unmistakable determination, to meet the slave question. It did not only do this, but it passed the following resolution—a declaration of the right and intention of secession; viz.—

"*Resolved*, That the democratic party will faithfully abide by, and uphold the principles laid down in the Kentucky and Virginia resolutions of 1792 and 1798, and in the report of Madison to the Virginia legislature in 1799; that it adopts those principles as constituting one of the main foundations of its political creed, and is resolved to carry them out in their obvious meaning and import."

The Kentucky and Virginia resolutions referred to, declared that the United States' government was but a compact between the states, as such, for special purposes, exercising delegated powers for and in behalf of the states as principals, holding vested powers. They declared, "that, as in other cases of compact between parties having no common judge, each party has an equal right to judge for itself, as well of infractions as of the mode and measures of redress." Thus, in 1852, the democratic party, assembled in national convention—consisting of delegates from every state in the Union—resolved in favour of the right of secession; and that the party would carry out the doctrine whenever the government should exceed its powers under the constitution, as interpreted by the states respectively.

The Whig national convention assembled at Baltimore, June 16th, and nominated General Winfield Scott, of New Jersey, for the presidency. The convention adopted the following resolution:—

"That the series of acts of the thirty-second Congress—the act known as the fugitive slave law included—are received and

acquiesced in by the Whig party of the United States as a settlement, in principle and substance, of the dangerous and exciting questions which they embrace."

The free democratic party, then called the "Free-Soil party," met in convention at Pittsburg, on the 11th of August, and nominated John P. Hale, of New Hampshire, for the presidency. An elaborate platform was constructed, consisting of twenty-two resolutions, the most of which were taken from the platform of 1848. The following are among the declarations of principles; viz.—

"That to the persevering and importunate demands of the slave power for more slave states, new slave territories, and the nationalisation of slavery, our distinct and final answer is—no more slave states, no slave territory, no nationalised slavery, and no national legislation for the extradition of slaves.

"That slavery is a sin against God, and a crime against man, which no human enactment nor usage can make right; and that Christianity, humanity, and patriotism alike demand its abolition.

"That the Fugitive Slave Act of 1850 is repugnant to the constitution, to the principles of the common law, to the spirit of Christianity, and to the sentiments of the civilised world. *We therefore deny its binding force upon the American people, and demand its immediate and total repeal.*"

The election took place, and Mr. Pierce received an overwhelming majority over both of his opponents.

In 1856, the parties again brought forward their candidates. The Whig party had nearly ceased to exist; but it held a convention, and nominated candidates. The Whigs had scattered—some having united with the democratic and free-soil parties. Others of them joined the New American party, which had sprung from what had been known as the "Know-Nothing," or native American party. On the 2nd of June, the democratic convention assembled at Cincinnati, and nominated James

Buchanan, of Pennsylvania. The old platform was amended so as to meet the new legislative issues. The resolves in the platform, respecting slavery and the right of secession, were again adopted; and it was further declared—

"That we may more distinctly meet the issue on which a sectional party, subsisting exclusively on slavery agitation, now relies to test the fidelity of the people, north and south, to the constitution and the Union:

"*Resolved*, That claiming fellowship with, and desiring the co-operation of all who regard the preservation of the Union under the constitution as the paramount issue, and repudiating all sectional parties and platforms concerning domestic slavery, which seek to embroil the states, and incite to treason and armed resistance to law in the territories, and whose avowed purpose, if consummated, must end in civil war and disunion, the American democracy recognise and adopt the principles contained in the organic laws establishing the territories of Nebraska and Kansas, as embodying the only sound and safe solution of the slavery question, upon which the great national idea of the people of this whole country can repose in its determined conservation of the Union, and non-interference of Congress with slavery in the territories or in the district of Columbia.

"That we recognise the right of the people of all the territories, acting through the legality and fairly-expressed will of the majority of the actual residents, and whenever the number of their inhabitants justifies it, to form a constitution, with or without domestic slavery, and be admitted into the Union upon terms of perfect equality with the other states."

On the 17th of June, the republican national convention met at Philadelphia. It was the same as the free-soil party of 1852. It nominated Colonel John C. Fremont for the presidency. The platform was formed from that of 1852, though considerably reduced. The principal issues contemplated were based upon an opposition to the principles of the Kansas-Nebraska Bill. It denied

"The power of Congress, of a territorial legislature, or of any indi-

vidual or association of individuals, to give legal existence to slavery in any territory of the United States," under the constitution; and further, "That the constitution confers upon Congress sovereign power over the territories of the United States, for their government; and that in this power it is both the right and the duty of Congress to prohibit in the territories those twin relics of barbarism —polygamy and slavery."

The American party, organised from the dissolved Know-Nothing and native American parties, with a large number of Whigs, held a convention at Philadelphia in February, and nominated Millard Fillmore for the presidency. No platform was adopted.

The Whig party, for the last time in national convention, met at Baltimore in September, and nominated the American party candidate, Millard Fillmore, for the presidency. The platform adopted was very pacific, and intended to be more patriotic and national than those of the other parties. It proclaimed its attachment to the Union, and pledged the party to support the constitution. The convention declared—

"That it had no new platform to establish; no new principles to announce; but it was content to broadly rest where the fathers of the republic had rested—upon the constitution of the United States; wishing no safer guide, no higher law." And "that any cause that shall array the different sections of the Union in political hostility and organised parties, founded only on geographical distinctions, must inevitably prove fatal to a continuance of the national Union." "The danger has now become fearfully apparent, in the agitation now convulsing the nation; and must be arrested at once, if we would preserve our constitution and our Union from dismemberment." "That all who revere the constitution and the Union, must look with alarm at the parties in the field in the present presidential campaign—one claiming only to represent sixteen northern states, and the other appealing mainly to the passions and prejudices of the southern states: that success of either party faction must add

fuel to the flame which now threatens to wrap our dearest interests in a common ruin."

At the election, Mr. Buchanan received the electoral votes of all the southern states, except Maryland, which was cast for Mr. Fillmore; and the free states—California, New Jersey, Pennsylvania, Indiana, and Illinois; making 172 in all. Colonel Fremont received the votes of the other eleven free states, making 114 in all. Of the popular vote, Buchanan received 1,838,169; Fremont, 1,341,264; and Fillmore, 874,534. Buchanan and Fillmore received votes in all the states of the Union. Fremont did not receive any votes in the states of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, and Texas. In Virginia he received only 291 out of the 150,307 votes cast in that state. In Kentucky he received but 314 votes; Delaware, 308; Maryland, 281: making his total vote, in the southern states, 1,194.

The people of the southern states were very unanimous in openly declaring their intention to secede from the Union in case of the election of Fremont. The most intense excitement prevailed throughout the south. On the other hand, the people of the north were equally excited, and resolved to secure his election, and defeat the alleged spread of slavery.

The abolitionists of the north were particularly immoderate and indiscreet in their expressions. One of the leaders said, "he would register a pledge before Heaven to do what within him lay to effect the eternal overthrow of the blood-stained Union." A leading editor thought it "better

that the capital itself should blaze by the torch of the incendiary, or fall and bury all beneath its crumbling ruins, than to cease agitation." Another declared, "that republicanism should force back slaveocracy with fire and sword." On the other hand, the southern politicians were equally expressive. A senator declared, in Congress, that, "if Fremont should be elected, the Union would be dissolved." Another said, "that, in such an event, the Union would be dissolved, and ought to be dissolved." A third said, "When Fremont is elected, we must rely upon what we have—a good state government. I should advise my legislature to go out of the Union at the tap of the drum." Thousands of like declarations were made throughout the Union, during the campaign of 1856, to millions of people, north and south. Many of these speeches were delivered to amuse the rabble, as flourishes of speech, and not intended to mean anything. The demagogues of America have gone on from one extravagance to another, in advocating political dogmas; and to such an extent, that there has been no chance to retreat except by a recantation; and ambitious politicians have been too cowardly to confess their faults. We speak thus in order to explain the fact, that, in America, there are several kinds of legislators—such as the statesman, the politician, and the speculating office-holder. The people understand these different classes; but, unfortunately, the influence of the demagogue is frequently more important than that of the patriot.

The passage of the Kansas and Nebraska Bill, repealing the Missouri restriction of 1820, strengthened

the republican party; but in 1857-'8, the proposition for the admission of Kansas, as a state, into the Union, excited the parties from one end of the land to the other. After the act organising Kansas territory in 1854, the free-soil and slavery factions formed combinations and societies to settle the territory, with the view of organising that state according to their respective proclivities. Armed forces, in violation of law and order, ruled the people. The population consisted, to a considerable extent, of a multitude of organised mobs, each resolved to suppress the other. These mobs were sustained by money, guns, powder, and ball, from different parts of the country, north and south. Ministers of the gospel, in the northern states, desecrated their high and holy calling, and preached inflammatory sermons, with the view of encouraging the contest then waging in Kansas, even at the sacrifice of the blood and the lives of peaceable and honest pioneers.

On the 19th of September, 1855, a convention assembled at Topeka, Kansas, to frame a constitution. It was finally completed, and attempted to be enforced. It prohibited slavery. The governor of the territory denounced its legality, and declared the convention a treasonable assemblage. The attempt of the anti-slavery party to thus organise the state was unsuccessful. In 1857, the pro-slavery party assembled in convention at Lecompton, and framed a constitution. This organisation was considered, by the federal administration, to be legal; and the president recommended to Congress, in 1857-'8, the admission of Kansas into the Union. The republican party opposed the measure, on the grounds that the convention had been

fraudulently organised. The bill failed to pass Congress. In 1859, another convention assembled at Wyandott, and formed an anti-slavery constitution, which was submitted to Congress; and, on the 30th of January, 1861, the state was admitted into the Union. Thus was settled one of the most vexatious of all questions ever considered by Congress. The republicans assumed a sectional character, and proved to be the most powerful party in the north. The democratic party became more decidedly southern than ever, and declared in favour of free trade, which at once, independent of its pro-slavery tendencies, was sufficient to establish its southern identity. On the other hand, the republican had become a high protective tariff party. The people of the nation thus, from different causes and incidents, became allied to one or the other of the two great parties—namely, the democratic, with the principles that Congress had no right to interfere with slavery in the states and territories, in favour of the rendition of fugitive slaves, as required by the constitution of the United States; and it resolutely advocated free trade. The republican party declared that Congress had a right to prohibit slavery in the territories; it was opposed to the rendition of fugitive slaves, and in favour of a high protective tariff. Thus the two great parties had become decidedly sectional before the presidential campaign of 1860. Besides these, however, there was a remnant of the old Whig party, which rallied under the name of the Union party.

Among other circumstances that produced the resolute and determined course of the southern democracy to meet

the slavery question "straight in the face," was the issuing of an abolition book called *The Impending Crisis of the South,* which contained the following most extraordinary platform for the anti-slavery parties of the north.

"1st. Thorough organisation and independent political action on the part of the non-slaveholding whites of the south.

"2nd. Ineligibility of slaveholders. Never another vote to the trafficker in human flesh.

"3rd. No co-operation with slaveholders in politics. No fellowship with them in religion. No affiliation with them in society.

"4th. No patronage to slaveholding merchants. No guestship in slave-waiting hotels. No fees to slaveholding lawyers. No employment to slaveholding physicians. No audience to slaveholding persons.

"5th. No recognition of pro-slavery men, except as ruffians, outlaws, and criminals.

"6th. Abrupt discontinuance of subscription to pro-slavery newspapers.

"7th. The greatest possible encouragement to free white labour.

"8th. No more hiring slaves by non-slaveholders.

"9th. Immediate death to slavery; or, if not immediate, unqualified proscription of its advocates during the period of its existence.

"10th. A tax of sixty dollars on every slaveholder, for each and every negro in his possession at the present time, or at any intermediate time between now and the 4th of July, 1863—said money to be applied to the transportation of the blacks to Liberia, to their colonisation in Central or South America, or to their comfortable settlement within the boundaries of the United States.

"11th. An additional tax of forty dollars per annum, to be levied annually on every slaveholder, for each and every negro found in his possession after the 4th of July, 1863—said money to be paid into the hands of the negroes so held in slavery, or, in cases of death, to their next of kin; and to be used by them at their own option."

These remarkable doctrines were, together with the whole book, endorsed by sixty-eight republican members of the Congress of 1859. Amongst the number were

some of the most distinguished and influential gentlemen of that party. The southern politicians became incensed at such intemperate language, and gave to the circumstance more than an ordinary import. They forgot that language equally intemperate against the north had been repeatedly uttered, perhaps by some of themselves. We might give many specimens which lie before us, but we deem it unnecessary: they had no effect except to create in the south a deadly feeling of hatred against the northern republicans and abolitionists. During the presidential campaign of 1860, the character of this book was the subject of universal condemnation in the southern states; and the whole republican party, with Mr. Lincoln at its head, was held responsible for its contents. The dispassionate and conservative patriot considered the book as but the opinions of a wild, deluded fanatic. The recommendation given to it by the sixty-eight members of Congress, as subsequently explained, exhibited a want of caution upon their part. Had they taken the pains to have read the book, they would, we have no doubt, considered it as but emanating from a crazy man.

Added to these facts may be mentioned, that, on the execution of John Brown and his band of murderers, in 1859, near Harper's Ferry, the church bells throughout the northern states were tolled, in honour of the deeds of those ruffians, who had attempted to incite the slaves to join them in their acts of rapine and murder. Hundreds of sermons were preached, and solemn dirges were sung in their praise. This universality of the desecration of the sacred temples of God, offended the whole south; and

each and every man resolved to prepare for the defence of his life, and the protection of his family.

We have now arrived at the most important era—1860; and we will endeavour to explain the state of parties with sufficient clearness to enable the reader to comprehend some of the immediate causes which produced the secession of several of the southern states; but in the consideration of the events of 1860, the reader must couple with them the past history of the nation.

The republican convention of 1860 met at Chicago, on the 16th of May, and nominated Abraham Lincoln, of Illinois, for the presidency. A platform was constructed, based upon non-extension of slave-territory.

In a speech delivered by Mr. Lincoln, February 27th, 1860, in New York, he was emphatic in his advocacy of the ultra-republican party doctrines. Relative to the Dred Scott decision of the Supreme Court of the United States, he said—

"Perhaps you will say the Supreme Court has decided the disputed constitutional question in your favour (southern); not quite so. But waiving the lawyer's distinction between *dictum* and decision, the courts have decided the question for you in a sort of way. The courts have substantially said, 'It is your constitutional right to take slaves into the federal territories, and to hold them there as property.' When I say the decision was made in a sort of way, I mean it was made in a divided court, by a bare majority of the judges, and they not quite agreeing with one another in the reasons for making it; that it is so made as that its avowed supporters disagree with one another about its meaning; and that it was mainly based upon a mistaken statement of facts—the statement in the opinion that the right of property in a slave is distinctly and expressly affirmed in the constitution. An inspection of the constitution will show that the right of property in a slave is not dis-

tinctly and expressly affirmed in it.* "Bear in mind, the judges do not pledge their judicial opinion that such a right is impliedly affirmed in the constitution; but they pledge their veracity that it is distinctly and expressly affirmed there—'distinctly;' that is, not mingled with anything else—'expressly;' that is, in words meaning just that, without the aid of any inference, and susceptible of no other meaning. If they had only pledged their judicial opinion that such right is affirmed in the instrument by implication, it would be open to others to show that neither the word 'slave' nor 'slavery' is to be found in the constitution; nor the word 'property' even, in any connection with the language alluding to the things, slave or slavery; and that wherever, in that instrument, the slave is alluded to, he is called a 'person;' and wherever his master's legal right, in relation to him, is alluded to, it is spoken of as 'service or labour due,' as a 'debt,' payable in service or labour. Also it would be open to show, by contemporaneous history, that this mode of alluding to slaves and slavery, instead of speaking of them, was employed on purpose to exclude from the constitution the idea that there could be no property in man."

This remarkable speech, in the opinion of the southern people, committed Mr. Lincoln against carrying out the constitution and laws of Congress with respect to the delivering up of fugitive slaves; and also against obedience to the Dred Scott decision of the Supreme Court of the United States; in which slavery is recognised in the territories, and that it is not subject to congressional prohibition. As to the historical statements contained in the above extract, we regret to say that we are unable to verify them.

The constitutional Union convention assembled on the 9th of May, 1860, at Baltimore, when John Bell, of Tennessee, was nominated for the presidency. This party was composed of the last remnant of the old Whigs. The

* In his inaugural address, Mr. Lincoln admits that slavery is recognised by the constitution.

convention declined to adopt a platform, but issued a laconic declaration in favour of the Union.

The democratic convention assembled at Charleston on the 23rd of April, 1860. The earlier part of the meeting was occupied in the settlement of contested seats, which resulted in the production of considerable dissatisfaction. For some time preceding the assembling of the convention, there were indications of troubles. The positive policy adopted by the republican party in Congress, with respect to slavery, and the decisive results of the state elections immediately prior thereto, had warned the country as to the future. The southern democrats construed the declarations of the northern republican press as inflammatory; and retaliation was readily resorted to by their principal speakers. They were anxious to meet the resolved policy indicated by the republicans in Congress—namely, that they would insist on no more slave territory; the abnegation of the legality of the right of slavery in the territories of the United States; the practical nullification of the fugitive slave laws, and of the fugitive slave clause in the federal constitution. On the other hand, the more conservative branch of the democratic party, favouring the "squatter sovereignty" doctrine, were opposed to the decisive southern pro-slavery and free-trade policy. The ultimate leaders of these two factions or divisions of the democratic parties, were Mr. Breckenridge and Mr. Douglas. The delegates favouring the nomination of the former gentleman, were of the opinion that any citizen had the right to hold slaves in the territories—as much so as they had a right to hold there any other

property. The democratic delegates, rallying with Mr. Douglas, admitted that slavery existed upon the territorial soil, but that the people occupying had a right to decide, on the organisation of the territory into a state, whether there should be a continuation of slavery in the new state or not. The difference between the two divisions of the party was not of very material importance; and it would seem, that in the adoption of the Cincinnati platform of 1856, the whole democratic party was committed to the "squatter sovereignty" doctrine. We are led to believe that the new issue was the result of a desire to defeat the nomination of Mr. Douglas, as there had been a dislike to that gentleman among the friends of the administration, because he had opposed the admission of Kansas under the Lecompton constitution, after the president had recommended that measure. The convention was for some time engaged in the construction of the platform. There was a unanimous opinion in favour of the one adopted at Cincinnati in 1856; but it was necessary to amend it by the addition of a few planks, to meet the more recent issues of the times. The "squatter sovereignty" division was the strongest in the convention; and it adopted its amendments by a large majority. This act displeased the democrats from the southern states; and the delegates from Alabama, Mississippi, South Carolina, Florida, Texas, Arkansas, Georgia, and Louisiana, withdrew from the convention, after filing their respective protests. The convention, failing to harmonise or make a nomination, adjourned after a session of ten days, to meet again at Baltimore on the 18th of June.

On assembling at Baltimore, the convention was soon involved in complications, greater, in fact, than had been experienced at Charleston. The "squatter sovereignty," or Douglas division, was the strongest; and the delegates from the cotton states were determined to make a platform that would meet the issue direct with the republican party.

At the Charleston convention there had been fifty-seven ballots for the nomination of a candidate for the presidency; and there was no choice. The withdrawal of the delegates from the southern states caused the convention to adjourn, as it was considered injudicious to make any nomination in the face of the certain hostility of these states. Before the Baltimore convention assembled, hopes were entertained that there would be a union of the party; but, contrary to that hope, the convention really failed to organise before a rupture took place on account of the admission of the representatives from some of the states. Delegates, in whole or in part, from the states of Virginia, North Carolina, Tennessee, California, Delaware, Maryland, and Kentucky, retired. The remaining members of the convention proceeded to nominate a candidate for the presidency, which resulted in the choice of Stephen A. Douglas, of Illinois, by nearly a unanimous vote. Before the convention adjourned, the following resolution was adopted nearly unanimously:—

"*Resolved*, That in its accordance with the interpretation of the Cincinnati platform, that during the existence of the territorial governments, the measure of restriction, whatever it may be, imposed by the federal constitution on the power of the federal legislature over the subject of domestic relations, as the same has been, or shall hereafter be finally determined by the Supreme Court of the United

States, should be respected by all good citizens, and enforced with promptness and fidelity by every branch of the general government."

The delegates from the Gulf and other states that had retired from the convention, and those which had been refused admission from New York, assembled in Baltimore on the 28th of June, and organised a convention. There were twenty-one states represented. The Cincinnati platform was adopted, with amendments against the agitation of slavery, and in favour of abiding by the decisions of the Supreme Court of the United States. John C. Breckenridge, of Kentucky, was nominated for the presidency.

The parties, in 1860, were thus organised, with their candidates before the people. In order that the reader may clearly understand the position held by each of the candidates with respect to the great slavery question, we present the following recapitulation:—

1st. Mr. Lincoln, the republican candidate, was opposed to the recognition of the principle declared by the Supreme Court of the United States—that slavery, under the constitution, did exist in the territories; and he was of opinion that Congress had the power to prohibit the introduction of slavery into the territories. He was opposed to the fugitive slave law, and in favour of a protective tariff. —2nd. Mr. Breckenridge, the southern democratic candidate, held that the decision of the Supreme Court of the United States was in conformity with the constitution; and that Congress had no power whatever to prohibit the introduction of slavery into the territories; and further, that the people of the territories, on their organisation into

a state, had no right to exclude therefrom slave property then and there existing. He avowed himself favourable to the fugitive slave laws, and the doctrines of free trade.—3rd. Mr. Douglas, the democratic candidate of the squatter sovereignty doctrine, was in favour of the decision of the Supreme Court of the United States, declaring that the constitution carried slavery into the territories. He held that Congress had no power to prohibit its introduction therein; and that a majority of the people, on the formation of a state out of a territory, had the right to permit or prohibit slavery; and advocated the legality of the fugitive slave laws.—4th. Mr. Bell, the constitutional Union candidate, was opposed to the agitation of the slavery question; was in favour of the fugitive slave laws; the decision of the Supreme Court; and a protective tariff.

The campaign was conducted with great excitement; and the thousands of speeches made, north and south, were principally confined to the slavery question. The cotton states saw that it was impossible to elect Mr. Breckenridge, and they commenced preparations for the contingency of Mr. Lincoln's election. Secession was the watch-word; it was uttered in nearly every speech; and the warnings were heralded from state to state, county to county, and fireside to fireside. "The irrepressible conflict" was near at hand, and politicians argued that disunion was the only possible remedy for the safety of the property, and even the lives of the southern people. Passion swayed over the country, north and south.

CHAPTER XXII.

The Legality and Illegality of Secession.

The Legality of Secession.

The right of secession is a question upon which there seems to be a diversity of opinion. In the southern seceding states, the people have been, for a long time, determined to perform that responsible act, whenever, in their judgment, the time for it should arrive.

The confederation, formed during the revolutionary war in 1781, was intended to be as perpetual and permanent as it was possible to form a government. The document thus organising the states, was styled, "Articles of Confederation and Perpetual Union between the States," under the name of "the United States of America." In the second article it was declared, that "each state retained its sovereignty, freedom, and independence, and every power, jurisdiction, and right which is not by this confederation expressly delegated to the United States." From this clause, it is clear that the powers thereafter to be exercised by the United States, were *delegated*, and were not vested. The term recognises the existence and continuance of the sovereignty of the states over the general government. But while the states were the principals, and the confederation but the mere agent, exercising only delegated powers, it was intended to form

a *perpetual* Union. A body, whether aggregate or sole, exercising delegated powers, is an agent, and subject to be dismissed at the pleasure of the principal or creating power. In cases, however, where powers are delegated irrevocably to an agent, the act cannot be cancelled; and the agent becomes, practically, a principal with vested powers. The term "perpetual," in the articles of confederation, was equivalent to an irrevocable clause; and hence the government, thus formed, did not contemplate any power in a state to annul the articles of Union. There was no tribunal fixed upon to adjust differences of opinion or questions of power between the states and the confederation. The ninth article declared, that—

"The United States, in Congress assembled, shall also be the last resort on appeal in all disputes and differences now subsisting, or that hereafter may arise between two or more states concerning boundary, jurisdiction, or *any other cause whatever.*"

Then follows the mode of arbitrament. By this tribunal the states agreed to have their questions of difference adjusted. It would seem that the government, thus organised, did form a Union, intended to be perpetual, permanent, and binding; and although the term "*delegated*" was used, yet there were conditions embraced in the agreement, or articles of confederation, which legally gave to the agent vested and irrevocable powers. It is evident, from the document itself, and the circumstances of the states, that such were the objects and purposes of all the parties concerned. There was, however, an omission of the greatest importance in the articles. No mode of enforcement of the decisions of the high court of arbitrament was prescribed. A coercive doctrine would have defeated

any kind of union. It was agreed to abide by the judgment of Congress on questions of difference arising between the states; but there was no power given to Congress to enforce its decisions. In reference to arbitration between man and man, the judicial tribunals can render judgment; and the officers of the government, under prescribed laws, can enforce the decisions of the arbitrament. The cases, therefore, are not parallel; because, in the one case, there is no agreement as to the mode of enforcement; and, in the other, the law prescribes the means of coercion. Notwithstanding the confederation was organised with the view of permanency, and declared to be "perpetual," it did not exist ten years before eleven of the states seceded from it, and formed a constitutional government. Some of the states failed to carry out the conditions stipulated in the articles; and there were no powers to coerce the fulfilment of the obligations disregarded. Washington and others saw the impossibility of maintaining the federal government; and a convention was called in 1786, not to construct a new government, but to remedy the deficiencies of the then existing articles. For want of representation, the convention did nothing more than propose another, which met the next year (1787) in Philadelphia, when the present constitution was framed. This organic instrument was submitted to the states for ratification; with an article, declaring, that "the ratification of the conventions of nine states shall be sufficient for the establishment of this constitution between the states so ratifying the same." The article did not require the thirteen states to ratify it, because the convention knew,

or had sufficient evidence to justify the belief, that New York, North Carolina, and Rhode Island would not ratify it. The latter was not represented at the convention. In 1788, ten of the states ratified the constitution of 1787, and thus agreed to abandon their first national government. On Wednesday, the 7th of January, 1789, the electors were chosen in the respective states. On Wednesday, the 4th of February, they assembled in the states for the election of a president; and on Wednesday, the 4th of March, the constitution was declared by Congress to be in force. On that day was completed the secession of eleven states from the confederation! Washington was inaugurated president on Thursday, the 30th of April, 1789; and thus was fully organised the constitutional government of the eleven seceding states.

The constitution does not declare the new government to be a perpetual Union. The failure of the confederation had removed from the minds of the delegates all expectation of ever obtaining such a state of perfection; and they evidently contemplated a change of the organic law from time to time, as the nation progressed. Their object was, "to form a more perfect Union; establish justice; insure domestic tranquillity; provide for the common defence; promote the general welfare; and secure the blessings of liberty to ourselves and our posterity." The last clause of this preamble is of import. To secure liberty to "our posterity," contemplates time in the far distance—without end, or so long as the nation existed. This was for ever; or for such time as the Creator, in his beneficence and infinite wisdom, should allow the people to have

descendants. The intention of the framers of the constitution was the organisation of a permanent Union—to be sustained only, however, by the affections of the people. The very fact that coercive laws were attempted to be made, and failed, to effect the enforcement of the constitution against the will of the states, proves that the framers of that instrument never contemplated the employment of *force*. On this subject, several attempts were made to authorise coercion by different means or equivalents. Amongst the plans were—

1st. It was proposed, through the action of Congress, to authorise the federal executive to use force in the carrying out of the constitution, if found necessary. This was rejected.

2nd. It was proposed to give to the president of the United States the nomination of the state governors, and to invest them with power to veto state laws, in order to preserve the faith of the states, and the supremacy of the federal government. This was rejected.

3rd. It was proposed to make the senate of the United States the judge of all difficulties that might arise between states and the general government. This, too, was rejected. The arbitration clause for the settlement of difficulties between the states, which had formed a part of the articles of confederation, was rejected.

4th. It was proposed to give Congress authority to negative state legislation interfering with the powers of the federal government. This was rejected.

5th. It was also proposed to give to Congress the power to veto and annul all state laws interfering with the federal

government—to be exercised only by a vote of two-thirds of each branch of Congress. This, too, was rejected.

Upon the subject of force, Mr. Madison said, that—

"The more he reflected on the use of force, the more he doubted the practicability, the justice, and the efficacy of it, when applied to people collectively, and not individually. A union of the states containing such an ingredient, seemed to provide for its own destruction. The use of force against a state would look more like a declaration of war than an infliction of punishment; and would probably be considered by the party attacked as a dissolution of all previous compacts by which it might be bound."

Mr. Alexander Hamilton, of the convention, said—

"It has been observed, to coerce the states is one of the maddest projects that was ever devised. A failure of compliance will never be confined to a single state. This being the case, can we suppose it wise to hazard a civil war? Suppose Massachusetts, or any large state, should refuse, and Congress should attempt to compel them, would they not have influence to procure assistance, especially from those states which are in the same situation as themselves? What picture does this idea present to our view? A complying state at war with a non-complying state; Congress marching the troops of one state into the bosom of another—this state collecting auxiliaries, and forming, perhaps, a majority against its federal head. Here is a nation at war with itself. Can any reasonable man be well-disposed towards a government which makes war and carnage the only means of supporting itself—a government that can exist only by the sword? Every such war must involve the innocent with the guilty. This single consideration should be sufficient to dispose every peaceable citizen against such a government."

The ratification of the constitution by the state of Virginia, was in the following language:—

"*Act of the State of Virginia adopting the Federal Constitution, passed the 26th day of June*, 1788.

"We, the delegates of the people of Virginia, duly elected in pursuance of a recommendation from the general assembly, and now met in convention, having fully and freely investigated and discussed the proceedings of the federal convention, and being prepared as

well as the most mature deliberation hath enabled us, to decide thereon—*do*, in their name and in behalf of the people of Virginia, declare and make known, that the powers granted under the constitution, being derived from the people of the United States, may be resumed by them whenever the same shall be perverted to their injury or oppression; and that every power not granted thereby remains with them, and at their will. That, therefore, no right of any denomination can be cancelled, abridged, restrained, or modified by the Congress, by the Senate, or House of Representatives, acting in any capacity, by the president or any department or officer of the United States, except in those instances in which power is given by the constitution for those purposes; and that among other essential rights, the liberty of conscience and of the press cannot be cancelled, abridged, restrained, or modified by any authority of the United States."

We have given the foregoing facts to prove the intention of the framers of the constitution, and their understanding of the meaning of that instrument. We will now take an extract from an address delivered by a statesman and a pure man, ex-president John Quincy Adams, before the New York Historical Society, in 1839, at the jubilee of the constitution. Upon the right of secession, he said—

"To the people alone is there reserved, as well the dissolving as the constituent power; and that power can be exercised by them only under the tie of conscience, binding them to the retributive justice of Heaven.

"With these qualifications, we may admit the same right to be vested in the people of every state in the Union, with reference to the general government, which was exercised by the people of the united colonies, with reference to the supreme head of the British empire, of which they formed a part; and, under these limitations, have the people of each state in the Union a right to secede from the confederated Union itself.

"Thus stands the RIGHT. But the indissoluble link of union between the people of the several states of this confederated nation, is, after all, not in the *right*, but in the *heart*. If the day should ever

come (may Heaven avert it) when the affections of the people of these states shall be alienated from each other; when the fraternal spirit shall give way to cold indifference, or collisions of interest shall fester into hatred; the bands of political association will not long hold together parties no longer attracted by the magnetism of conciliated interests and kindly sympathies; and far better will it be for the people of the *disunited* states to part in friendship from each other, than to be held together by constraint. Then will be the time for reverting to the precedent which occurred at the formation and adoption of the constitution, to form again a more perfect Union, by dissolving that which could no longer bind, and to leave the separated parts to be reunited, by the law of political gravitation, to the centre."

We have given authorities from statesmen in favour of the right of secession, and their opinions respecting the relative powers of the federal and state governments. We will now notice a few of the state legislative proceedings. The general assembly of Kentucky, during its session of 1798-'9, passed sundry resolutions, expressing the opinion held by that legislature concerning the powers of the general government; viz.—

"That the constitution of the United States is a compact between the several states, *as states*, each sovereign state being an integral party to that compact. That as in other compacts between equal sovereigns who have no common judge, each party has the right to interpret the compact for itself, and is bound by no interpretation but its own. That the general government has no final right, in any of its branches, to interpret the extent of its own powers. That these powers are limited within certain prescribed bounds; and that all acts of the general government, not warranted by its powers, may properly be nullified by a state, within its own boundaries."

The legislature of the state of Virginia passed similar resolutions; and on their consideration, subsequently, Mr. Madison, from the committee, submitted an argu-

ment in favour of the doctrines contained in them. He said—

"It appears to your committee to be a plain principle, founded in common sense, illustrated by common practice, and essential to the nature of compacts, that, where resort can be had to no tribunal superior to the authority of the parties, the parties themselves must be the rightful judges, in the last resort, whether the bargain made has been pursued or violated. The constitution of the United States was formed by the sanction of the states, given by each in its sovereign capacity. It adds to the stability and dignity, as well as to the authority of the constitution, that it rests on this legitimate and solid foundation. The states, then, being the parties to the constitutional compact, and in their sovereign capacity, it follows, of necessity, that there can be no tribunal above their authority, to decide, in the last resort, whether the compact made by them be violated; and consequently, that, as the parties to it, they must themselves decide, in the last resort, such questions as may be of sufficient magnitude to require their respective interposition."

Mr. Madison subsequently saw the effect of his doctrines of state sovereignty, when, during his own administration, the United States' government was on the verge of dissolution; and had the war of 1814 continued another year, there can be no doubt that the New England states would have seceded from the Union, upon the grounds that, "when emergencies occur, too pressing to admit of the delay incident to their forms, and beyond the reach of judicial tribunals, states which have no common umpire must be their own judges, and execute their own decisions."

The Illegality of Secession.

In presenting the reasons advanced against the legality of secession, we will, as we have in the preceding, exercise the right to give our own interpretation of the questions

considered. It is but common sense to admit, that the opinions entertained at the present time by the people, both north and south, are controlled by passion. Again, it is fair to acknowledge, that many of our political and law writers, heretofore, have been prejudiced in favour of a supposed perfection of the Union.

We have been blinded with an imaginary glory; and our political writers could only see our government as the most complete of all governmental systems. We have not been able to see our faults; and an ignorance of our imperfections has led us into the vortex, now fast destroying our people, not only as individuals, but also as states and as a nation. In an article written by Mr. Motley, and published in the London *Times*, he said the confederation government of 1781 was "a league of petty sovereignties." This declares that the states were sovereigns—not the people, but the *states;* because the confederation was formed through and by the power of the legislatures, and not by the people. The constitution of 1789 was framed by the delegates from the legislatures, and not from the people. He said the constitution—

"Was not a compact. Whoever heard of a compact to which there were no parties? or whoever heard of a compact made by a single party with himself? Yet the name of no state is mentioned in the whole document. The states themselves are only mentioned to receive commands or prohibitions; and the 'people of the United States' is the single party by whom the instrument is executed."

A compact is an agreement—a contract between parties; it is a word that may be applied in a general sense: it has import according to the parties thereto. When between

individuals, it is termed an agreement; but an engagement between nations is called a treaty or a compact. The two words have the same meaning. The names of the states are not mentioned in the constitution, because it was not possible for the convention to know what states would accept of the constitution; and, in fact, the delegates knew that two or three of the states would not ratify it. Law does not require a recital of the names of the parties to a contract or compact to be given in the body of the instrument. The states accepted the constitution, and thus became parties to it. Now it is quite possible for the states, in their sovereign capacities, to adopt a like compact with a very large majority of the people against the measure.

We have previously stated, that the constitution was adopted by the states as sovereignties, through conventions; and in no case was it ratified by a vote of the people. The formality of electing delegates to a convention, by the people, is not the equivalent of a ratification by the people; and besides, a majority vote of the people may be cast against a proposition; and yet, through the sovereign majority of a convention, the affirmative may be carried, as was the case in the state of New York.

Curtis, in his *History of the Constitution,* referring to the debates in the Virginia convention, says—

"Their (the opponents to the constitution) first and chief object was to show that the constitution presented a national and consolidated government, in the place of the confederation; and that, under such a government, the liberties of the people of the states could not be secure. The eloquent Henry argued, 'that the constitution presented a consolidated government, because it spoke in

the name of the people, and not in the name of the states. It was neither a monarchy like England—a compact between prince and people, with checks on the former to secure the liberty of the latter; nor a confederacy like Holland—an association of independent states, each retaining its individual sovereignty; nor yet a democracy, in which the people retain securely all their rights. It was an alarming transition from a confederacy to a consolidated government.' Mr. Mason, always cool, clear, and sensible, answered these objections. He described the new government as having a mixed character. It would be in some respects federal, in others consolidated. The manner in which it was to be ratified established this double character. The parties to it were to be the people; but not the people as composing one great society, but the people as composing thirteen sovereign states. If it were a purely consolidated government, the assent of a majority of the people would be sufficient to establish it."

Mr. Motley further states—

"The constitution was not drawn up by the states; it was not promulgated in the name of the states; it was not ratified by the states. The states never acceded to it, and possess no power to secede from it. It 'was ordained and established' over the states by a power superior to the states—by the people of the whole land in their aggregate capacity, acting through conventions of delegates expressly chosen for the purpose within each state, independently of the state governments, after the project had been framed."

He says the constitution was adopted "by the people of the whole land in their aggregate capacity;" and then he says it was "through conventions" of each state. We cannot see the consistency of the two assertions. The people of the states did not ratify the constitution by the ballot. He says, too, that the delegates were "expressly chosen for the purpose within each state, independently of the state governments." In the case of New York, the people voted against the constitution in 1788, and yet the convention adopted it in 1789.

On this subject, Curtis, in his *History of the Constitution*, says—

"In January, 1788, the governor of New York presented the official communication of the instrument (constitution) from the Congress to the legislature, with the cold remark, that from the nature of his official position, it would be improper for him to have any other agency in the business than that of laying the paper before them for their information. Neither he nor his party, however, contented themselves with this abstinence. After a severe struggle, resolutions ordering a state convention to be elected were passed by the bare majorities of three in the senate and two in the house, on the 1st day of February, 1788. The elections were held in April; and when the result became known, in the latter part of May, it appeared that the anti-federalists (anti-constitutionalists) had elected two-thirds of the members of the convention, and that probably four-sevenths of the people of the state were unfriendly to the constitution."

The process of the adoption of the constitution we have before shown to be as follows:—The legislatures of the states sent the delegates to the convention which framed the constitution. This instrument was reported to Congress, and by that body sent to the legislatures of the respective states. It was for them to determine whether or not it should be submitted to a convention of the state. If that were preferred, then the election of delegates to the convention, to consider the proposed constitution, was to be ordered by the legislature. This was done, and delegates were elected by the people. The convention thus assembled in each state, and adopted the constitution.

Mr. Motley quotes from Blackstone, to prove that the constitution is not a compact—

"A compact is a promise proceeding from us; law is a command directed to us. The language of a compact is—'we will or will not do this; that of a law is—thou shalt or shalt not do it.'" Mr. Motley

then proceeds to say—"Congress shall do this; the president shall do that; the state shall not exercise this or that power. Witness, for example, the important clause by which the sovereign states are shorn of all the great attributes of sovereignty."

This quotation from Blackstone will sustain the reverse of that attempted to be proved. The laconic preamble to the constitution, says—

"We, the people of the United States, in order to form a more perfect Union, establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the United States of America."

This, then, means—"We, the people, will and do ordain;" or, in other words—we, the people, hereby form a compact.

Mr. Motley further states—

"Granted the premises that each state may peaceably secede from the Union, it follows that a county may peaceably secede from a state, and a town from a county, until there is nothing left but a horde of individuals, all seceding from each other."

The constitutional government of the United States was the creature of the states, each acting for itself; and all counties are the creatures of the states. The legislature can create, divide, and destroy a county at its own will. The United States' government has been created by the legislature and convention of each state—representing as *sole* the aggregate people. It seems to us that Mr. Motley's reasonings above given are not sustained by law. Again, he says—"The same power which established the constitution, may justly destroy it," Now, this is the strongest secession doctrine that we have seen. It declares, that as the constitution was adopted by the conventions of the respective states, each acting independent

of the other, therefore the convention of any state can secede from the constitutional government. Mr. Motley further says—"The people of the whole land may meet, by delegates, in a great national convention, as they did in 1787, and declare that the constitution no longer answered the purpose for which it was made." We are wholly unable to find that any such convention was held in 1787. Some of the legislatures appointed delegates to a convention of that date, but they were not authorised to frame a constitution. There is no clause in that instrument contemplating its revision by a national convention. It can be amended (Article V.); but there is no provision for its annulment, because it was intended to "secure the blessings of liberty to ourselves and our posterity."

Mr. Motley, very patriotically, thus writes:—

"The Union alone is clothed with imperial attributes; the Union alone is known and recognised in the family of nations; the Union alone holds the purse and the sword—regulates foreign intercourse—imposes taxes on foreign commerce—makes war and concludes peace. The armies, the navies, the militia, belong to the Union alone; and the president is commander-in-chief of all. No state can keep troops or fleets."

In the above there are several errors. The Union holds a purse and a sword; and so do the states. The Union holds an army and a navy; and so does nearly every state. The constitution of Virginia declares, that its governor—

"Shall be commander-in-chief of the land and naval forces of the state; have power to embody the militia to repel invasions, suppress insurrections, and enforce the execution of the laws; conduct, either in person or in such other manner as shall be prescribed by law, all intercourse with other and foreign states."

The constitution of the state of Oregon, recently admitted into the Union, declares, that "the governor shall be com-

mander-in-chief of the military and naval forces of this state, and may call out such forces to execute the laws, to suppress insurrection, or to repel invasion."

The constitution of the United States says—

"The president shall be commander-in-chief of the army and navy of the United States, and of the militia of the several states, *when called into the actual service of the United States.*" The second amendment, entire, says—"A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed."

The quotations from the constitutions prove that Mr. Motley was wrong; that the armies and navies *do not* belong to the Union alone; that the president *is not* commander-in-chief of all; and that states *can* keep troops and fleets. The entire militia of a state can be on a war footing at any time, and at all times, if the people of the state authorise it for its own protection; and the president of the United States has no authority over that militia army, however powerful it may be. Every state in the Union keeps and maintains troops, though they are styled the "Militia." We have seen a review of 18,000 of the New York militia; and, in appearance and drill, they equalled, at least, the best soldiers of Europe.

The constitution and statute laws of every state contemplate the establishment of a permanent militia army, of which the governor is the commander-in-chief. In tenor, the powers of the executive of all the states are the same; and we need but refer to the constitution of New Hampshire,* which we have before quoted from, to

* *Vide*, p. 142.

relieve Mr. Motley from his Utopian-like visions of the perfection of our government.

Mr. Motley stated, that the constitution "was not a compact. Who ever heard of a compact to which there were no parties? or who ever heard of a compact made by a single party with himself?" President Jackson, in his proclamation on the South Carolina secession, in 1832, thus differs from Mr. Motley. He said—

"Because the Union was formed by compact, it is said the parties to that compact may, when they feel themselves aggrieved, depart from it; but it is precisely because it is a compact that they cannot. A compact is an agreement or binding obligation."

In the article referred to, Mr. Motley argued against secession, because the constitution of the United States "was not a compact." President Jackson argued against secession because the constitution "was a compact." His proclamation contains the following conclusive argument against the right of secession:—

"The constitution of the United States, then, forms a government, not a league; and whether it be formed by compact between the states, or in any other manner, its character is the same. It is a government in which all the people are represented; which operates directly on the people individually, not upon the states—they retained all the power they did not grant. But each state having expressly parted with so many powers, as to constitute, jointly with the other states, a single nation, cannot, from that period, possess any right to secede, because such secession does not break a league, but destroys the unity of the nation; and any injury to that unity is not only a breach, which would result from the contravention of a compact, but it is an offence against the whole nation. To say that any state may, at pleasure, secede from the Union, is to say that the United States are not a nation; because it would be a solecism to contend that any part of a nation might dissolve its connection with the other parts, to their injury or ruin, without committing any offence. Secession, like any other revolutionary

act, may be morally justified by the extremity of oppression ; but to call it a constitutional right, is confounding the meaning of terms, and can only be done through gross error, or to deceive those who are willing to assert a right, but would pause before they made a revolution, or incur the penalties consequent on failure."

It will be remembered that the noted Hartford convention assembled in 1814, while the United States was at war with Great Britain. Mr. Madison was president at that time. He feared the dissolution of the Union by the threatened secession of the New England states. The want of support from those states seems to have changed his mind with respect to states' rights; and in 1830, he issued the following very able argument on the constitution, against the right of secession :—

"It was formed, not by the governments of the component states, as the federal government [of 1781] for which it was substituted was formed. Nor was it formed by a majority of the people of the United States, as a single community, in the manner of a consolidated government. It was formed by the states; that is, by the people in each state, acting in their highest sovereign capacity ; and formed, consequently, by the same authority which formed the state constitutions.

"Being thus derived from the same source as the constitutions of the states, it has within each state the same authority as the constitution of the state ; and is as much a constitution, in the strict sense of the term, within its prescribed sphere, as the constitutions of the states are, within their respective spheres; but with this obvious and essential difference—that being a compact among the states in their highest sovereign capacity, and constituting the people thereof one people for certain purposes, it cannot be altered or annulled at the will of the states individually, as the constitution of a state may be at its individual will."

CHAPTER XXIII.

The Causes of Secession; the Southern Confederacy.

The Causes that produced Secession.

In this chapter we propose to give a brief account of the secession of eleven of the southern states, and the formation by them of a general government, under the name of the Southern Confederacy.

It is not to be denied but that several of the slave-holding states had for some time desired a termination of the union with many of the northern states, so long as the latter continued to enforce the personal liberty laws already described. For nearly twenty years, some of the northern states have nullified the national compact respecting fugitive slaves; and the only hope that the southern states had for the enforcement of the constitution and laws, depended upon a president being elected who would discharge the functions of his office as a national executive. The electoral votes of the states that had passed laws nullifying the constitution and the fugitive slaves statutes, made Mr. Lincoln president. He had denounced the integrity of the decision of the Supreme Court of the United States; and it was quite natural that the south should look upon him as an enemy to its welfare and interest. We do not think secession was justified; but the sin for the disruption of the Union, in our opinion, lay more with Mr. Lincoln than with any other man. He could have

preserved it by announcing, when he saw the nation scattering in fragments, that he would not be a sectional president—that he would do all in his power to preserve the interest of the whole people, whether in the north or south; that he would faithfully execute the fugitive slave laws; and that he would administer the executive affairs of the government conformably to the constitution and the laws of Congress, as interpreted by the judicial department of the government. Had Mr. Lincoln uttered the foregoing few words, there would not have been a secession of a single state—not even the restless and ever unreasonable South Carolina. A false pride, and the influence of fanatics, seemed to control him; and thus, by omission, he has been the principal cause of the ruin of the nation. He who sees the torch applied to the edifice by others, and does not attempt to extinguish the flame when it is in his power to do so, is equally responsible with the incendiary for the conflagration. Mr. Lincoln did not seem to appreciate the policy of using kind words to the distracted nation, as Washington and Jackson had done; but, on the contrary, he permitted his friends to make fanatical abolition speeches in his behalf, which increased the madness of the people in the south. Ambitious politicians in South Carolina, and in some of the other southern seaboard states, seized each and every possible circumstance to inflame the public, and prepare them for the disruption of the Union. These politicians were not satisfied with exposing the errors of Mr. Lincoln; but they held him responsible for the speeches and opinions of the northern abolitionists.

One of the influences moving the cotton states to secession, was the tariff question. These states have ever been in favour of free trade; while, on the other hand, the New England states have been in favour of a high protective tariff. Among the slaveholding states, South Carolina has been the most sectional and unreasonable; and among the northern states, Massachusetts has eclipsed the whole of them in adopting nullifying measures against the national compact. The people of these two states have mutually cultivated a hatred for each other. In nearly all legislative transactions their representatives have been antagonistic. A South Carolina Congress-man assaulted a Massachusetts senator for insults given in a public speech against the south, and the states respectively did honour to their representatives; the former was looked upon as a hero, and the latter as a martyr. An importance was given to the affair because it occurred in the room of the capitol in which the senate assembled.

As South Carolina had but little affection for the more northern states, it was not difficult for the politicians of that state to influence the public in favour of secession after the election of Mr. Lincoln. And besides, these politicians had made speeches, during the presidential campaign, in favour of secession, in case of the success of the republican party; and in this manner the people of that state had committed themselves to declarations that they could not retract without a seeming cowardice. We are unwilling to believe that the people of that state ever intended to permanently dissolve the Union, though that was evidently the intention of the politicians. The

people thought that, by the formal secession, they might be able to secure guarantees from the northern states for their faithful compliance with the constitution and statutes of Congress. In this manner they effected the reduction of the oppressive tariff in 1833. We deem it our duty to remark, that the statesmen of South Carolina have ever been loyal and faithful to their constitutional obligations; but these sons of the south, like many patriots of other states, have had to yield to the overpowering influence of the sectional politicians.

The general desire and intention of the people in the south seem to have been thoroughly national; they contemplated effecting measures that would more firmly cement the bonds of the Union. The following extract from the address of the Mississippi commissioner to Maryland, explains frankly the real objects and purposes of the southern people; viz.—

"Secession is not intended to break up the present government, but to perpetuate it. We do not propose to go out by way of breaking up or destroying the Union, as our fathers gave it to us; but we go out for the purpose of getting further guarantees and security for our rights—not by a convention of all the southern states, nor by congressional tricks, which have failed in times past, and will fail again. But our plan is, for the southern states to withdraw from the Union for the present; to allow amendments to the constitution to be made, guaranteeing our just rights; and if the northern states will not make those amendments, by which these rights shall be secured to us, then we must secure them the best way we can. This question of slavery must be settled now or never. The country has been agitated seriously by it for the past twenty or thirty years. It has been a festering sore upon the body politic; and many remedies having failed, we must try amputation to bring it to a healthy state. We must have amendments to the constitution; and if we cannot get them, we must set up for ourselves."

Such were the sentiments moving the people of the great south to favour secession.

The Southern Confederacy.

Soon after the election of Mr. Lincoln, the legislature of South Carolina ordered the convening of a convention to consider the state of the Union. The convention assembled according to law; and, on the 20th of December, 1860, the following secession ordinance passed, by a unanimous vote of 169 members:—

"We, the people of South Carolina, in convention assembled, do declare and ordain, and it is hereby declared and ordained, that the ordinance adopted by us in convention, on the 23rd day of May, 1788, whereby the constitution of the United States of America was ratified, and also all acts and parts of acts of the general assembly of this state, ratifying the amendments of the said constitution, are hereby repealed, and that the union now subsisting between South Carolina and the other states, under the name of the United States of America, is hereby dissolved."

The convention issued a declaration, detailing the reasons that impelled it to pass the secession ordinance. The principal cause alleged was the breach of faith committed by the northern states, respecting the slavery clause in the constitutional compact.

At that time federal troops were in the forts at Charleston; and in order to prevent a collision of the state and federal forces—having in view the effecting of a peaceable solution of the secessionary issue by the restoration of the state to the Union—Mr. Floyd, the secretary of war, issued orders to Major Anderson, commander at those forts; from which we take the following extract:—

"But as the counsel and acts of rash and impulsive persons may possibly disappoint these [peaceful] expectations of the government,

he deems it proper that you should be prepared with instructions to meet so unhappy a contingency.

"You are carefully to avoid every act which would needlessly tend to provoke aggression; and for that reason you are not, without necessity, to take up any position which could be construed into the assumption of a hostile attitude; but *you are to hold possession of the forts in the harbour; and if attacked, you are to defend yourself to the last extremity.*"

After this, and of the failure of all efforts to quiet the people of the south, Mr. Buchanan appealed to Congress for co-operation in efforts to arrest the disruption of the Union. The parties in Congress would not unite upon any measure calculated to preserve the government. The republicans were the strongest in the house, and the democrats had the majority in the senate. Neither did anything for the Union; and, unsupported by Congress, the president was powerless. In the meantime, a peace convention assembled in Washington, composed of delegates from many of the states. A scheme of adjustment was agreed upon; but it did not receive the encouragement of the republican party; and the measure recommended resulted in nought.

On the 9th of January, 1861, Mississippi seceded from the Union; Alabama on the 11th; Florida on the 12th; Georgia on the 19th; Louisiana on the 28th; and Texas on the 1st of February.

On the 6th of February, the Congress of the seven seceding states met at Montgomery, Alabama, and elected Mr. Davis provisional president.

On the 12th of April, Fort Sumter was attacked by the southern forces; and, on the 13th, Major Anderson surrendered. This attack opened the civil war. The northern

states rallied to the call of the president; and, in a few days, nearly 100,000 men were at Washington, to defend the capital. Fearing that the president intended to make an attempt to subjugate the seceding states, the whole south was in a state of the greatest anxiety. On the 17th of April the state of Virginia seceded from the Union; on the 6th of May, Arkansas; on the 8th, Tennessee; and on the 20th of May, North Carolina. These four states were hurried out of the Union by the collection of federal troops at Washington, as it was the general impression that the president intended to do that which he has since attempted—namely, the subjugation of the southern seceding states.

The southern confederacy is composed of eleven states, with an aggregate area of 733,645 square miles, which is 177,884 square miles more than was within the united colonies in 1776; which was 555,761 square miles.

The constitution of the southern confederacy has been framed so as to recognise the right of secession. Under this government, South Carolina, or any of the other states, can secede whenever it wishes, without let or molestation. Such a government as this can only live as long as there is war, as did the confederation of 1781. Its continuance, therefore, depends upon the prolongation of the present war of subjugation.

Conclusion.

It is but hallucination to believe that the south can be conquered, or restored to the Union, under the existing constitution. It is equally fallacious to believe that the

federal and confederated governments could exist in peace more than for a few years. Each will prepare for defence. The spirit of hatred will increase, and ultimate destruction to both will be the consequence. The American people can only live as ONE nation, though there is territory enough for a dozen. In this judgment, however, we may be biassed, because it comports with our wish.

"UNITED WE STAND, DIVIDED WE FALL."

POPULATION OF THE UNITED STATES.

States.	1790.	1800.	1810.	1820.	1830.	1840.	1850.	1860.
Alabama	...	...	...	127,901	309,527	590,756	771,623	964,296
Arkansas	...	...	...	14,273	30,388	97,574	209.897	435,427
California	...	...	...	...	...	...	92.597	380,015
Connecticut	238,141	251,002	262,042	275,202	297,675	309,978	370,792	460,151
Delaware	59,096	64,273	72,674	72,749	76,748	78,085	91,532	112,218
Florida	...	...	...	...	34,730	54,477	87,445	140,439
Georgia	82,548	162,101	252,433	340,987	516,823	691,392	906,185	1,057,327
Illinois	...	...	12,282	55,211	157,445	476,183	851.470	1,711,753
Indiana	...	4,875	24,520	147,178	343,031	685,806	988,416	1,350,479
Iowa	...	...	...	...	...	43,112	192,214	674,948
Kansas	...	...	...	...	...	...	...	107,110
Kentucky	73,077	220,955	406,511	564,317	687,917	779,828	982,405	1,155,713
Louisiana	...	...	76,556	153,407	215,739	352,411	517.762	709,433
Maine	96,540	151,719	228,705	298,335	399,455	501,793	583,169	628,276
Maryland	319,728	341,548	380,546	407,350	447,040	470,019	583,034	687,034
Massachusetts	378,717	423,245	472,040	523,287	610,408	737,699	994,514	1,231,065
Michigan	...	...	4,762	8,896	31,639	212,267	397,654	749,112
Minnesota	...	...	...	...	...	...	6,077	162,022
Mississippi	...	8,850	40,352	75,448	136,621	375,651	606,026	791,395
Missouri	...	...	20,845	66,586	140,455	383,702	682,044	1,173,317
New Hampshire	141,899	183,762	214,360	244,161	269,328	284,574	317,976	326,072
New Jersey	184,139	211,949	245,555	277,575	320,823	373,306	489.555	672,031
New York	340,120	586,756	959,049	1,372,812	1,918,608	2,428,921	3,097,394	3,887,542
North Carolina	393,751	478,103	555,500	638,829	737,987	753,419	869,039	992,667
Ohio	...	45,365	230,760	581,434	937,903	1,519,467	1,980,329	2,339,599
Oregon	...	...	...	...	...	...	12.093	52,464
Pennsylvania	434,373	602,361	810,091	1,049,458	1,348,233	1,724,033	2,311,786	2,906,370
Rhode Island	69,110	69,122	77,031	83.059	97,199	108,830	147,545	174,621
South Carolina	249,073	345.591	415,115	502.741	581,185	594,398	668.507	703,812
Tennessee	35,791	105,602	261,727	422,813	681,904	829,210	1,002,717	1,109,847
Texas	...	...	...	...	...	...	212,592	601,039
Vermont	85,416	154,465	217,713	235.764	280,652	291,948	314,120	315,116
Virginia	748,308	880,200	974,622	1,065,379	1,211,405	1,239,797	1,421,661	1,596,083
Wisconsin	...	...	...	...	...	30,945	305,391	775,873
Territories.								
Colorado	...	...	...	...	...	...	...	34,197
Dakotah	...	...	...	...	...	...	...	4,839
Nebraska	...	...	...	...	...	...	...	28,842
Nevada	...	...	...	...	...	...	...	6,857
New Mexico	...	...	...	...	...	...	61,547	93,451
Utah	...	...	...	...	...	...	11,380	40,295
Washington	..	...	...	...	...	...	1,201	11,578
Dist. of Columbia	...	14,093	24,023	33,039	39,834	43,712	51,687	75,076
Persons in United States' Navy	...	...	...	...	5,318	6,100	...	...
Total	3,929,827	5,305,937	7 239.814	9,638,191	12,866,020	17.069.453	23,191,876	31,429,891

It is not possible to ascertain the natural increase of the population of the United States, except proximately. The foreign emigration has been very great, and irregular as to places of entering the country. For example, there is no means of ascertaining how many persons enter the states from the Canadas.

SLAVE POPULATION OF THE UNITED STATES.

States.	1790.	1800.	1810.	1820.	1830.	1840.	1850.	1860.
Alabama	..	..	..	41,879	117,549	253,532	342,844	435,132
Arkansas	..	..	..	1,617	4,576	19,935	47,100	111,104
California	..	..	..	..	..	..	..	..
Connecticut	2,759	951	310	97	25	17	..	..
Delaware	8,887	6,153	4,177	4,509	3,292	2,605	2,290	1,798
Florida	..	..	..	..	15,501	25,717	39,310	61,753
Georgia	29,264	59,404	105,218	149,654	217,531	280,944	381,682	462,230
Illinois	..	..	168	917	747	331	..	..
Indiana	..	135	237	190	3	3	..	..
Iowa	..	..	..	..	..	16	..	..
Kansas	..	..	..	..	..	..	..	..
Kentucky	11,830	40,343	80,561	126,732	165,213	182,258	210,981	225,490
Louisiana	..	..	34,660	69,064	109,588	168,452	244,809	332,520
Maine	..	..	..	..	2	..	..	..
Maryland	103,036	105,635	111,502	107,397	102,994	89,737	90,368	87,188
Massachusetts	..	..	..	..	1	..	..	..
Michigan	..	..	24	..	32	..	..	..
Minnesota	..	..	..	..	..	..	..	..
Mississippi	..	3,489	17,088	32,814	65,659	195,211	309,878	436,696
Missouri	..	..	3,011	10,222	25,091	58,240	87,422	114,965
New Hampshire	158	8	..	..	3	1	..	..
New Jersey	11,423	12,422	10,851	7,557	2,254	674	236	..
New York	21,324	20,343	15,017	10,088	75	4	..	..
North Carolina	100,572	133,296	168,824	205,017	245,601	245,817	288,548	331,081
Ohio	..	..	..	..	6	3	..	..
Oregon	..	..	..	..	..	..	..	..
Pennsylvania	3,737	1,706	795	211	403	64	..	..
Rhode Island	952	381	108	48	17	5	..	..
South Carolina	107,094	146,151	196,365	258,475	315,401	327,038	384,984	402,541
Tennessee	3,417	13,584	44,535	80,107	141,603	183,059	239,459	275,784
Texas	..	..	..	..	..	..	58,161	180,388
Vermont	17	..	..	..	..	..	..	..
Virginia	293,427	345,796	392,518	425,153	469,757	449,087	472,528	490,887
Wisconsin	..	..	..	..	..	11	..	..
Territories.								
Colorado	..	..	..	..	..	..	..	..
Dakotah	..	..	..	..	..	..	..	..
Nebraska	..	..	..	..	..	..	..	10
Nevada	..	..	..	..	..	..	..	..
New Mexico	..	..	..	..	..	..	..	24
Utah	..	..	..	..	..	..	26	29
Washington	..	..	..	..	..	..	..	..
Dist. of Columbia	..	3,244	5,395	6,377	6,119	4,694	3,687	3,181
Total	697,897	893,041	1,191,364	1,538,038	2,009,043	2,487,455	3,204,313	3,952,801

In order to ascertain the per-centage of natural increase of the slaves, calculations should not be made prior to 1830, as, before that period, in some of the states, slaves were being emancipated every year; and besides, from some of the Northern States slaves were taken to the South to be continued in bondage. During the present century there has not been any increase of slaves from Africa.

PRINTED BY THE LONDON PRINTING AND PUBLISHING COMPANY, LIMITED,
ST. JOHN STREET, SMITHFIELD, LONDON.

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on 18 July, 2018